

DEATHS BY FALLS AND CARS

If in Connecticut in the year 1934 somebody had desired to apply his energy to a reduction of deaths by accident in Connecticut where the most good would be done he could have made a choice between any of several groups.

In that year, starting from January 1, there would be 245 deaths from falls in homes and 191 deaths to persons riding in motor cars.

From this standpoint, if proclamations and accusations were to be uttered, in which the victims would be described as careless or reckless, they might more usefully have been directed to those who were going to be killed by falling in their own homes.

In this same year 109 persons were to die by drowning, though many fewer persons would attempt the peril of water, than would attempt the peril of riding in a motor car.

When falls outside of homes which caused deaths are added in, the total so far is 393, a figure only a little short of the total of deaths caused to riders and pedestrians by the use of motor cars.

The cure of accidents and the fatalities which accompany is only a little in trying to improve the human machine, and more in guarding humans against their weaknesses.

Stairways have existed for generations. They have not produced a race which is proof against falling down.

Because minds are attentive to a central idea at a time, because a divided attention is not always effective, accidents happen, regardless of protections, but the number can be reduced by correct engineering.

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PRESENTED BY

REV. CHARLES ELLERN

IN CHANCERY:

BEFORE THE CHANCELLOR OF THE STATE OF

New York.

WILLIAM STEVENSON and others, *Complainants*.

VS.

ALEXANDER BULLIONS and others, *Defendants*.

PLEADINGS AND PROOFS.

JOHN CRARY, Solicitor for Complainants.
BERNARD BLAIR, Solicitor for Defendants.

SALEM:
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1844.

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IN CHANCERY,
BEFORE THE
CHANCELLOR.

WILLIAM STEVENSON, WILLIAM ROBERTSON, WILLIAM
MCGEOCH, EDWARD SMALL, JOHN MCARTHUR, JAMES
MCARTHUR, ROBERT MCARTHUR, PETER MCARTHUR,
GEORGE SMALL, JOHN ARNOT, JAMES ARNOT, EDWARD
COOK, JOHN ROBERTSON, THOMAS MCMORRIS, JAMES
HOY, JOHN MCDOUL, ISAAC ASHTON, JOHN FOSTER
and WILLIAM LIVINGSTON, Members of the Church
in full communion, known as the Associate Con-
gregation of Cambridge, in the County of Wash-
ington, in the State of New York, adhering to the
principles of the Associate Presbytery of Pennsyl-
vania, formerly, now the Associate Synod of North
America, *Complainants*,

vs.

ALEXANDER BULLIONS, JAMES COULTER, JAMES SHI-
LAND, ROBERT MCCLELLAND, PETER HILL, and the
Associate Congregation of Cambridge, of the
County of Washington, adhering to the Associate
Presbytery of Pennsylvania, formerly, now the
Associate Synod of North America, *Defendants*.

*Original
Bill.*

IN CHANCERY:

To the Chancellor of the State of New York,

Humbly complaining, your Orators, William Stevenson, William Rob-
ertson, William McGeoch, Edward Small, John McArthur, James McAr-
thur, Robert McArthur, Peter McArthur, George Small, James Arnot,
John Arnot, Edward Cook, John Robertson, Thomas McMorris, James
Hoy, John McDoul, Isaac Ashton, John Foster, and William Livingston,
members of the Church, known as the Associate Congregation of Cam-
bridge, of the County of Washington, in the State of New York, adher-
ing to the principles of the Associate Presbytery of Pennsylvania, for-
merly, now, the Associate Synod of North America, for themselves and
all other members of the said Church and Congregation who adhere to
the standards thereof, respectfully shew unto your Honor:

That in or about the year 1751, as your orators are informed and be-

lieve, the sect or denomination of Christians, known in common parlance as the Associate Church of North America, but which is now styled and called in the minutes and records of the proceedings of said Church, "the Associate Synod of North America," was in all due form organized as a Church in the then Province of Pennsylvania, under the inspection, superintendence and care of the Associate Synod of Scotland, and the several Congregations of said Church, at or about the same time, by the authority of said Synod, constituted and organized a Presbytery which was styled, "The Associate Presbytery of Pennsylvania," and which was then subordinate to the said Associate Synod of Scotland.

And your Orators further shew that in or about the year 1784, sundry individuals, of the town of Cambridge, and other adjacent towns in the State of New York, professing the tenets, principles and faith of the said Associate Church, petitioned the Associate Presbytery of Pennsylvania, "praying said Presbytery to send one of their number to dispense divine ordinances to and among said petitioners, according to the received principles of the said Presbytery"—and in or about the latter part of the said year, 1784, in compliance with the prayer of said petition, the Rev. Thomas Beveredge was sent by the said Presbytery to the said Petitioners, at said Cambridge—and in the early part of the year 1785, a Congregation was duly organized as a local Church in said town of Cambridge, under and subordinate to the said Associate Presbytery, according to the principles of said Presbytery, and subject to the discipline and government thereof—which said Congregation was called and known by the name and style of "The Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania." The term "*Congregation*" as used in the said Associate Church, means a local Church comprising the persons who are members thereof in full communion, within a particular territory, convenient for their assembling and attending upon Divine Worship.

And your Orators further shew that in or about the year 1802, the Congregations of the said Associate Church, adhering and subordinate to the said Associate Presbytery, having greatly increased, said Associate Presbytery of Pennsylvania was divided into several separate Presbyteries—that is to say—The Associate Presbytery of Cambridge, the Associate Presbytery of Philadelphia, the Associate Presbytery of Chartiers, and the Associate Presbytery of Kentucky; the name of which last mentioned Presbytery has since been changed to that of Miami. To which there have been since added at different times, the Associate Presbyteries of the Carolinas, Ohio, Alleghany, Muskingam, Albany, Chenango, Stamford, Indiana, Illinois, Richland and Vermont, being in all, (at the present time,) fifteen. And all political ties and connexions between this country and the Kingdom of Great Britain having been severed, it was deemed both expedient and necessary to establish a visible head of said Church in North America, and accordingly, at or about the same time, a Synod was duly constituted and organized by said Associate Church, as the visible head and Supreme Judicatory of said Church in North America, and to which all the Presbyteries and Congregations of said Associate Church were and are subordinate and subject, and owe obedience and submission according to the principles, discipline and government of the said Associate Church—which said Synod was and is called and known by the name and style of the "Associate Synod of North America."

And your Orators further shew that at the meeting of the said Synod

of North America, in May, in the year 1838, the Rev. Thomas Goodwillie and the Rev. William Pringle, who respectively had charge of Congregations in the State of Vermont, as ministers and pastors, were regularly constituted and organized by said Synod into a separate Presbytery, called the Associate Presbytery of Vermont—but previous to that time, said ministers and said Congregations belonged to and formed a part of said Associate Presbytery of Cambridge.

And your Orators further shew that the said Associate Congregation of Cambridge has belonged to, and formed a part of said Associate Presbytery of Cambridge, ever since its organization, and still does belong thereto and form a part thereof.

And your Orators further shew that the Judicatories established by said Church for the proper discipline and good government thereof, and of all its Congregations, members and officers, are Sessions, Presbyteries, and a Synod. That said Judicatories were established at an early period of the history of said Church in Scotland, and were adopted by said Associate Church in America, upon its organization in Pennsylvania, as herein before stated.

A Session consists of the minister, or ministers (where there are more than one,) and the ruling elders of a particular Congregation. A Session has the general superintendence, control, and government of the Congregation—admits persons to the communion, with power to call before them, and proceed against offending members, and to punish by the censures of the said Church, as the case may require—but a session has no authority to try, or otherwise deal with its minister.

Any persons feeling aggrieved by the sentence of a session, may appeal to the Presbytery of which the said session is a member.

A Presbytery consists of all the ministers, and one ruling elder from each settled or organized Congregation within a particular district, and has due and ample ecclesiastical cognizance of all things that regard the welfare of the particular Congregations or Churches within its bounds—of receiving and issuing appeals from the several sessions within its bounds, and of hearing and determining the same—of ordaining, settling and removing ministers within its bounds or jurisdiction—of trying all ministers belonging to said Presbytery when accused, and of acquitting or convicting as the case may require—and if convicted, of punishing by suspension, deposition, and excommunication, or other censures of said Church—of visiting the Congregations within their bounds, to inquire into their state, to redress any evils that may have arisen within them, and generally, of ordering whatever pertains to the good government of that part of the Church which is under their immediate inspection.

Any party feeling aggrieved by any sentence or decision of a Presbytery, may appeal to the Synod.

The Synod is the Supreme Judicatory of the Church. It is composed of all the ministers in the several Presbyteries of said Associate Church, under the inspection of the Synod, or of delegations of ministers from said Presbyteries, together with the ruling elders from said Presbyteries.

The Synod has power to hear, and finally determine, all appeals regularly brought from any Presbytery, to decide on all references made to it—to review the records and proceedings of the Presbyteries—to redress whatsoever is done contrary to order—and of reproving, warning, and hearing testimony against all error in doctrine or immorality in practice, in any Presbytery, or in any Congregation or Church—of erecting new Presbyteries when the Synod may deem it necessary.

The Associate Synod of North America is the Supreme Judicatory of the said Associate Church in North America ; and its decisions are final, and by the faith and doctrine of said Church, obligatory upon all the judicatories, officers, members and Congregations of said Church.

And your Orators further shew that there are two sentences of excommunication used by the Judicatories of the said Associate Church for the discipline thereof—one of which is called the higher sentence, and the other the lesser sentence of excommunication. The former severs all ties and connection between the Church and the offending member, while the latter, although it suspends and cuts off the offending member from all rights, privileges and immunities as a member of the Church, until it is revoked, yet the Church continues the power of remonstrating, laboring and dealing with the offending member, for the purpose of bringing him to repentance and a return to his duty as a member of said Church, and not till all discipline, labor and remonstrance are found to be in vain, is the higher sentence of excommunication inflicted.

And your Orators further shew, that in or about the year 1781, the said Associate Church of North America, through the said Associate Presbytery of Pennsylvania, adopted and published a particular statement of their principles in a book commonly called and known as "the declaration and testimony of the Associate Church of North America." These principles require every member admitted to communion in said Associate Church, solemnly to declare and profess his or her adherence to the Westminster confession of faith, the larger and shorter Catechisms, form of Presbyterian Church government and directory for the public worship of God, as expounded, received and witnessed for in the said declaration and testimony of the said Associate Church, and to declare and profess their approbation of said declaration and testimony, and to declare their solemn and fixed promise and resolution, through grace, to continue in the faith as exhibited and declared in said standard, and to be subject to the order and discipline of said Church—and every officer, whether ruling elder or minister, is required by his ordination vows to submit himself willingly and humbly to the Church Courts of said Associate Church, to endeavor to maintain the spiritual unity and peace of said Church, to continue steadfast in the principles professed by the said Associate Church, and carefully to avoid every divisive course. Every ruling elder promises in his vows, submission in the Lord to his session ; and every minister to his Presbytery, as subordinate to the Associate Synod of North America.

And your Orators further shew, that the principles thus adopted, established, published and promulgated by said Associate Church, have ever been and still are the principles of the faith and practice, discipline and government of the said Associate Church, and are obligatory upon every officer, and member thereof.

And your Orators further shew, that although the said Associate Congregation of Cambridge have always, since their first organization in 1785, as herein before mentioned, been in all respects duly organized as a Congregation or Church, yet they were not incorporated until the year 1826. That as well before as since the incorporation thereof, the temporalities of the said Congregation, and of all other Congregations of said Associate Church, were committed to the custody and care of Trustees, elected by the members of the said Congregation in full communion, from among themselves.

That subsequent to the said first organization of the said Associate

Congregation of Cambridge, and prior to the year 1838, the said Congregation acquired by donations and subscriptions, from among themselves and otherwise, the following real property and estate, that is to say, on or about the 7th day of July, 1786, Jonathan French, then of the town of Cambridge, by deed of that date between himself, as party of the first part, and John Blair, James Small, James Eddie, James Irvine, William McAuley, David French and George Miller, chosen and elected Trustees for the Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania of the second part, in consideration of six pounds, conveyed to the said party of the second part and their successors forever, one half acre of land, situate in said town of Cambridge, on the south part of lot number thirty-two of the first division, which piece of land is particularly described in said deed by meets and bounds and courses and distances, *habendum* to the said party of the second part and to their successors for ever to the sole and only proper use, benefit and behoof of the said Associate Congregation of Cambridge, with full covenants, among which is a covenant for such further assurance, as may be deemed necessary to vest said piece or parcel of land in the said party of the second part and their successors for the sole use of the said Associate Congregation of Cambridge, which said deed not having been executed by the wife of the said grantor, and it being supposed that there were some other defects therein, and the said Associate Presbytery of Pennsylvania having been divided into several Presbyteries, and the Associate Synod of North America having been established, as herein before mentioned, the said Jonathan French and Jane his wife, by the covenant of all the grantees in said deed, on or about the twenty-first day of January, 1810, by a certain indenture or deed of confirmation of that date, made between himself and his said wife, of the first part and James Small, James Eddie, James Irwin, Alexander Skellie, senior, James Hoy, James Rolle, William Stevenson, John Robertson, Samuel Green, Alexander Skellie, junior, John Shiland, junior, James Hill, Alexander Livingston and William McGeoch, of said town of Cambridge, Trustees for the Associate Congregation of Cambridge, in accession to the principles presently maintained by the Associate Synod of North America, and now under the inspection of the Associate Presbytery of Cambridge, belonging to the said Synod, and whereof the Reverend Alexander Bullions is the present Pastor, parties of the second part reciting the said last mentioned conveyance from the said Jonathan French, and that the Associate Congregation was not incorporated, and that the said Associate Congregation had elected the said parties of the second part Trustees thereof for the purpose of managing and taking care of the temporalities of said Associate Congregation, and that doubts had arisen whether the title to said premises was completely vested in the members who then were, or thereafter might be in full communion with, and compose the said Congregation, and in such persons as they then had elected and chosen, or at any time hereafter might elect and choose from among themselves as Trustees to manage and take the charge and care of the temporalities of the said Congregation and their successors in office of Trustees, and that the said grantor was willing to remove all such doubts, and to confirm and secure the title to the said premises in and to the members who then were or thereafter might be in full communion with, and should compose the said Congregation, and in and to such persons as they then had elected, or at any time thereafter

might elect and choose from among themselves as **Trustees** to take the charge and care of the temporalities of said Congregation and their successors in the office of **Trustees** to be elected and chosen as aforesaid for ever thereafter. In consideration for the better acting and confirming the title aforesaid, and also in consideration of one dollar, did grant, bargain, sell, remise, release and confirm to the said parties of the second part their heirs and assigns the said before mentioned premises.

Habendum to the said parties of the second part, their heirs and assigns, for ever to the intent for the use and in trust for the members who then were or thereafter might be in full communion with, and should compose the said Associate Congregation of Cambridge in accession to the principles then presently maintained by the Associate Synod of North America, and then under the inspection of the Associate Presbytery of Cambridge, belonging to said Synod, and for such persons as the said members at any time thereafter might elect and choose from among themselves as **Trustees** and their successors in office to be elected and chosen as aforesaid.

And on or about the 24th day of December, in the year 1799, James Gilmore, then of the said town of Cambridge, by deed of that date between himself as party of the first part, and Alexander Skellie, senr., James Irvine, James Hoy, James Rolle, Samuel Green, William Stevenson and Robert Cumming, Trustees for the Associate Congregation of Cambridge, aforesaid, and their successors in accession to the principles presently maintained by the Associate Presbytery of Pennsylvania, and now under the inspection of said Presbytery, of the second part, in consideration of twenty-eight pounds, conveyed to the said party of the second part and to their successors forever, half an acre of land situate in said town of Cambridge, being part of lot number thirty-one of the first division of Cambridge Patent—which said piece of land is particularly described in said deed by meets and bounds and courses and distances.

Habendum to the said party of the second part and their successors for the proper use, benefit and behoof of the said Associate Congregation of Cambridge forever.

And on or about the 23d day of October, in the year 1827, Alexander Bullions, then of the said town of Cambridge, together with Mary his wife, by deed of that date, between them as parties of the first part, and Francis McLean, William Stevenson, William McGeoch, Edward Small, John Robertson, Tanner, and George Lourie, Trustees of the Associate Congregation of Cambridge of the county of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, of which the Rev. Alexander Bullions is Minister, of the second part, in consideration of seven hundred dollars, conveyed to the said parties of the second part and to their successors in office forever, two certain pieces or parcels of land, situate in the said town of Cambridge, being two subdivisions of lot number thirty-one of the first division of Cambridge Patent, one of which pieces contains fourteen acres, and other six acres and twenty-two perches of land—both of which said pieces of land are particularly described in said deed by meets and bounds and courses and distances—*habendum*, to the said parties of the second part and their successors in office forever.

And on or about the ninth day of March, in the year 1835, William Stevenson and Jane his wife, of the said town of Cambridge, by deed

bearing date the day and year last aforesaid, between them as parties of the first part, and James Coulter, William McGeoch, George Lourie, James T. Green, 2d, and Peter Hill, 2d, Trustees of the Associate Congregation of Cambridge, in the county of Washington, and state of New York, and their successors in office, adhering to the Principles of the Associate Presbytery of Pennsylvania formerly, now formed into the Associate Synod of North America, of which the Rev. Alexander Bullions is now minister, of the second part, in consideration of five dollars conveyed to the said party of the second part, their successors in office, heirs and assigns forever, six perches and ninety-one hundredths of land, situated in said town of Cambridge, and is a subdivision of lot number thirty-two of the first division of Cambridge patent—which said piece of land is particularly described in said deed, by meets and bounds, courses and distances—*habendum*, to the said parties of the second part, their successors in office, heirs and assigns to their sole and only proper use, benefit and behoof forever, in trust.

All which will more fully appear by the said several deeds herein before mentioned, and now in the possession of your Orators ready to be produced as this Honorable Court shall direct, and to which when produced, your Orators, for greater certainty pray leave to refer.

And your Orators further shew that in or about the year 1833, the said Associate Congregation of Cambridge erected and built upon the said real estate, so granted to them as herein before mentioned, a brick Church Edifice or meeting house, of the value of about nine thousand dollars. And that previous to the first day of June in the year 1833, the said Associate Congregation of Cambridge, also erected and built upon the said premises so acquired by them as aforesaid, the necessary sheds and other out-houses for the accommodation of the members of the said Associate Congregation and other persons, attending divine worship at said Church Edifice or Meeting house, so erected and built by said Associate Congregation as aforesaid. And that previous to the day and year last aforesaid, the said Associate Congregation also erected and built upon the premises aforesaid, a suitable dwelling house with the necessary out-buildings connected therewith, for the use and occupation of the Pastor or Minister of the said Associate Congregation of Cambridge.

And your Orators further shew, that the said real estate so granted to the said Associate Congregation of Cambridge as aforesaid, together with the brick Church Edifice or Meeting house and other buildings, so made and erected thereon, as herein before mentioned, is now of the value of about thirteen thousand dollars, as your Orators verily believe.

And your Orators further shew, that the said Associate Congregation of Cambridge, have also acquired considerable personal property, such as a library, furniture for the Church and the pulpit thereof, fire wood for the use of Meeting house, &c., in all of the value of about \$150, as your Orators believe. All of which property, both real and personal, was obtained, acquired and accumulated by the said Associate Congregation of Cambridge, and ever has been and still is held by the Trustees of said Congregation, in trust for the sole and only and exclusive purpose of being devoted and appropriated solely and exclusively to the support and maintenance of the preaching and teaching the gospel, and the administration of divine ordinances in said Associate Congregation, according to the aforesaid principles of faith and practice, discipline and government of said Associate Church of North America. According to which principles, no minister, who is under sentence of excommunication, can be permitted to occupy the pulpit, or administer divine ordinances in said Associate Congregation. Nor can any member of said Associate Congregation,

hear the preaching and receive the administration of divine ordinances, from a minister under sentence of excommunication, without violating the solemn vows, which they took upon themselves when they became members of said Associate Church—which your Orators verily and most conscientiously believe would be sinful in the sight of God.

And your Orators further shew, that on or about the 21st day of November, in the year 1826, the said Associate Congregation of Cambridge was duly incorporated, under and by virtue of the statute in such case made and provided, by the corporate name, style and description of "The Associate Congregation of Cambridge, of the County of Washington, and State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now, the Associate Synod of North America"—and six Trustees were then elected as by the certificate of incorporation, recorded in the Clerk's Office of the County of Washington, on the 6th day of January, in the year 1827, or an authenticated copy thereof, ready to be produced by your Orators, will more fully appear, and to which when produced your Orators for greater certainty pray leave to refer.

And your Orators further shew, that said Trustees have been divided into three classes, and one third thereof elected yearly, and every year since the incorporation of said Associate Congregation.

And your Orators further shew, that by the rules and principles of the faith and practice, discipline and government of said Associate Church, the Trustees of any Congregation thereof, have no power or authority to call, or in any manner to obtain or procure a minister to preach or officiate in such Congregation, either as Pastor thereof, or temporarily, or even on a single occasion. That a clergyman in good standing, and in full communion and fellowship with said Associate Church, can only be called to the office of Pastor of any Congregation of said Church by a call signed by the elders and members of such Congregation, in full communion, which call is addressed to the clergyman whom the Congregation wish to call as their Pastor, is preferred and presented to the Presbytery, to which such Congregation belongs; if the Presbytery approve of the call, and the clergyman to whom it is addressed accepts thereof, he is ordained and installed by said Presbytery as the Pastor of said Congregation, but if the Presbytery do not assent to and approve of such call, such clergyman cannot become the Pastor of such Congregation. When the wish of a Congregation is, to have the office or place of Pastor temporarily supplied, the elders of the Congregation petition the Presbytery to which they belong for such supply, and the Presbytery order such office or place of Pastor of such Congregation to be supplied for such length of time, and by such of its clergymen as the said Presbytery may deem proper. It is admissible for the Session of the Congregation to invite a minister in good standing and in full communion with said Associate Church, to preach in said Congregation for one or two sabbaths, as the exigencies of such Congregation may require, but in no other way or manner can the pulpit of any Congregation of said Associate Church be filled or supplied, either permanently, temporarily or otherwise.

And your Orators further shew, that in or about the year 1808, the said Associate Congregation of Cambridge, in the County of Washington, called the Rev. Alexander Bullions as their Pastor and Minister. Which said call was in writing, and is now in the possession or under the control of the said Alexander Bullions, as your Orators believe, and charge the fact to be, and which they pray he may be required to produce to this Honorable court, and which was in the words, or to the purport and effect following: that is to say—

"We, the Elders and other members of the Associate Congregation of Cambridge, in the State of New York, in full communion, who have acceded to the Lord's cause as professed and maintained by the Associate Presbytery of Cambridge; as subordinate to the Associate Synod of North America, taking into our serious consideration the great loss we suffer through the want of a fixed Gospel Ministry among us, and being fully satisfied from opportunities of enjoying your public ministrations, that the great head of the Church has bestowed upon you, Mr. Alexander Bullions, such ministerial gifts and endowments, as through the Divine blessing may be profitable for our edification: We therefore hereby call and beseech you to come to us and help us, by taking the charge and oversight of this Congregation, to labor in it and watch over it, as our fixed Pastor. And on your acceptance of this our call, we promise you all due support, respect, encouragement and obedience in the Lord. In testimony whereof, &c."

And your Orators further shew that such call, after being duly signed by the Elders and members of said Congregation, was delivered to and received and accepted by the said Alexander Bullions, through the hands of the said Associate Presbytery of Cambridge—and such proceedings were thereupon had that the said Alexander Bullions was ordained and installed as the Pastor and minister of said Associate Congregation of Cambridge. And on such ordination and installation, one of his vows was in answering affirmatively the following question—"Do you engage to submit yourself willingly and humbly, in the spirit of meekness to the admonitions of this Presbytery, as subordinate to the Associate Synod of North America; and do you promise that you will endeavor to maintain the spiritual unity and peace of this Church, carefully avoiding every divisive course, neither yielding to those who have made defection from the truth, nor giving yourself up to a detestable neutrality and indifference in the cause of God, but that you will continue steadfast in the profession of the reformation principles maintained by us; and this you promise through grace, notwithstanding any trouble or persecution you may be called to suffer in studying a faithful discharge of your duty in these matters?"

And your Orators further shew, that the said Alexander Bullions, continued to be the Pastor of the said Associate Congregation of Cambridge, under the authority and government of the Associate Presbytery of Cambridge until, after a series of delinquencies and misconduct on his part, and a regular course of dealings and discipline with him by the said Presbytery of Cambridge, the said Presbytery, on or about the 12th day of April, in the year 1838, at South Argyle, being then and there duly convened and met, pursuant to adjournment, after setting forth in a preamble the delinquencies and unchristian conduct of the said Alexander Bullions, and the course of dealings and discipline of the said Presbytery with him, and the contumacy of the said Alexander Bullions, unanimously passed sentence of deposition and excommunication upon him, in the words following, that is to say.

"Resolved, That he (the said Alexander Bullions,) be deposed from the office of the holy ministry, and discharged from exercising any part of the same, aye, and until he give satisfactory evidence of his repentance and reformation—and accordingly, we, the Associate Presbytery of Cambridge, hereby do—in the name and by the authority of our Lord Jesus Christ, depose the said Alexander Bullions, D. D., from the office of the holy ministry, and prohibit him from exercising any part of the same, and excommunicate him with the lesser sentence of excommunication, until he repent and return to his duty in submission to Presbytery.

And your Orators further show that the said Alexander Bullions, has not

at any time, since the said deposition and excommunication made submission to the said Presbytery, but appealed therefrom to the Synod; and on or about the first day of June, in the year 1838, the said Associate Synod of North America, having full power and ample jurisdiction to decide upon the said appeal, proceeded to hear and determine the same, and after hearing the proofs and allegations of the parties and due deliberation had thereon, the said Synod decided upon the said appeal, and affirmed the decision of Presbytery—and although the said Alexander Bullions was remitted to the Presbytery of Cambridge by the said Synod, for further dealings, yet the said Alexander Bullions has never appeared before the said Presbytery of Cambridge, although cited in due form to appear before them—but has persisted and still does persist in exercising the office of Pastor and minister of the said Associate Congregation, in defiance and contempt of the authority of the said Associate Presbytery of Cambridge, and the said Associate Synod of North America.

And your Orators further shew, that the office of Pastor and minister of the said Associate Congregation, was in due form declared vacant, as well by the said Associate Presbytery of Cambridge, as by the said Associate Synod of North America, by means of the deposition and excommunication of the said Alexander Bullions as herein before stated. And the said Synod for the purpose of supplying said vacancy temporarily, some time during its session in the month of May or June, in the year 1838, duly appointed the Rev. Alexander T. McGill and the Rev. Joseph McKie, as commissioners to labor for a short season, in the said Associate Congregation of Cambridge—and said commissioners were also required by the said Synod to labor with the said Alexander Bullions, and to endeavor to bring him back to his duty, and to heal the divisions between him and the said Associate Congregation—and on or about the 16th day of June, in the year 1838, the said commissioners appeared and attended at Cambridge, for the purpose of preaching to the said Associate Congregation, and performing the duties assigned to and imposed upon them by the said Synod. But James Coulter, James Shiland, Robert McClelland and Peter Hill, being a majority of the Trustees of the said Associate Congregation of Cambridge, although they, the said Trustees were duly notified of the said deposition and excommunication of the said Alexander Bullions, and were also duly notified and informed that the said Associate Synod had declared the office of Pastor of the said Associate Congregation vacant, and had duly appointed the said commissioners to supply said vacancy, as herein before stated;—by the direction, and at the request and instigation of the said Alexander Bullions, as your Orators are informed and believe, shut the doors of the said Meeting house, of the said Associate Congregation, against the said commissioners, and absolutely refused to permit them or either of them to occupy the pulpit thereof, or to preach or administer divine ordinances therein. And the said Trustees have permitted and still do permit the said Alexander Bullions to occupy the pulpit, and to preach and officiate as Pastor and minister in the said Church, Edifice or Meeting house, so as aforesaid erected by the said Associate Congregation of Cambridge, and sustain, uphold and support him therein, and have obtained possession of the books and other papers, containing the minutes or records of the proceedings, of the spiritualities as well as the temporalities of said Church, and have rented or pretended to rent, or otherwise appropriate the seats or pews in said Church Edifice, for a term of five years, as your Orators are informed and believe, to the exclusion of your Orators and the other members of the said Associate Congregation, who adhere to the said Associate Presbytery of Cambridge, and

the said Associate Synod of North America, and claim to and do control all the property, real and personal, of the said Associate Congregation, acquired in the manner, and for the purpose and object herein before stated, and persist in diverting it from those uses and purposes, and in appropriating it to the maintenance and support of the said Alexander Bullions, and of his preachings and ministrations as Pastor and Minister, notwithstanding he has been legally deposed and excommunicated, as herein before stated. And the said Trustees have excluded and still persist in excluding clergymen in full communion and regular standing with the said Associate Presbytery of Cambridge and the said Associate Synod of North America, from preaching and administering divine ordinances in said church, edifice or meeting house, and have also excluded and do still exclude, your Orators, and the other members of the said Associate Congregation, who adhere to the principles of discipline and Church government of said Associate Church, from the said church edifice or meeting house, unless they will consent to sit under the preaching, teachings and ministrations of a deposed and excommunicated minister.

And your Orators further shew, that the said James Coulter, James Shiland, Robert McClelland and Peter Hill, the said four Trustees herein before named, together with William Stevenson and William Robertson, two of your Orators, since the first day of April, in the year 1838, have been and still are the Trustees of the said Associate Congregation of Cambridge—and that the said James Coulter, James Shiland, Robert McClelland and Peter Hill are adherents and supporters of the said Alexander Bullions, and they, together with the said Alexander Bullions, and the said Corporation are the Defendants hereinafter named.

And your Orators further shew, that they have frequently and in a friendly manner, in behalf of themselves and the other members of the said Associate Congregation of Cambridge, who adhere to the said Associate Presbytery of Cambridge, and to the Associate Synod of North America, applied to the said Alexander Bullions to desist from preaching or administering divine ordinances in the said church edifice or meeting house, of the said Associate Congregation of Cambridge, and to the said James Coulter, James Shiland, Robert McClelland and Peter Hill, four of the Trustees of the said Associate Congregation, to exclude the said Alexander Bullions from preaching in the said church edifice or meeting house aforesaid, and requested them to permit clergymen in regular standing and full communion with the said Associate Presbytery of Cambridge and the said Associate Synod of North America, to preach and administer divine ordinances in the said church edifice or meeting house, and to permit your Orators and the other members of the said Associate Congregation, who adhere to the principles of faith and practice, discipline and government of said Associate Church, to occupy the said church edifice or meeting house for that purpose, and requested the said Trustees to desist and refrain from diverting and misapplying the property and funds of the said Associate Congregation, or any part thereof, to the support of the said Alexander Bullions, or to the aid or support of the preaching of the said Alexander Bullions, and to devote and appropriate the said property and funds of the said Associate Congregation, and to direct and administer the affairs of the said Corporation, according to the uses, trusts, purposes and objects for which the same were intended by the founders thereof, as herein before stated.

With which reasonable requests your Orators had well hoped the said Defendants would have complied, as in equity and good conscience they ought to have done.

But now, so it is, may it please your Honor, that the said Defendants, com-

bining and confederating together and to and with divers other persons, at present unknown to your Orators, but whose names when discovered your Orators pray may be herein inserted, with apt and proper words to charge them as parties, Defendants hereto, to injure and oppress your Orators, and the other members of the said Associate Congregation, who adhere to the principles of faith and practice, discipline and government of the said Associate Church, in the premises, do absolutely refuse to comply with the aforesaid reasonable requests of your Orators.

For reason whereof, the said Defendants sometimes pretend that the Trustees of the said Associate Congregation of Cambridge, having the possession and control of the temporalities thereof, a majority of them, have a right to appropriate the property and effects thereof to the maintenance of any Pastor or Minister, and to the support of any christian preaching and teaching in said Congregation, they may think proper.

Whereas your Orators charge the contrary of such pretence to be the truth ; and your Orators also expressly charge that the Trustees of the said Associate Congregation, cannot without a violation of their duty and trust, appropriate the property and effects thereof, to any other use or purpose than that for which it was originally intended, to wit:—to the maintenance and support of the teaching and preaching of the Gospel and the administration of divine ordinances in the said Associate Congregation, according to the principles of faith and practice, discipline and government of the said Associate Church—which can only be done by a Minister or Pastor in full communion and good standing with the said Associate Presbytery of Cambridge, and the said Associate Synod of North America.

And at other times, although the said Defendants admit that the said Alexander Bullions was duly and legally deposed and excommunicated, by the said Synod, as herein before stated, yet then they pretend, that since such deposition and excommunication, he the said Alexander Bullions, has been in all things restored to good standing in said Associate Church by the Presbytery of the State of Vermont.

Whereas your Orators charge the contrary of such pretence to be the truth ; and your Orators also expressly charge and aver that the said Presbytery of Vermont were and are wholly and totally incompetent to restore the said Alexander Bullions, as well because the said Presbytery had no jurisdiction whatever in the matter, as because the said two ministers who alone compose the said Presbytery of Vermont, were and are relatives of the said Alexander Bullions by marriage,—one being the brother-in-law, and the other being a son-in-law of the said Alexander Bullions,—and that in consequence of such relationship the said two ministers who alone compose the said Presbytery of Vermont, were excluded from voting or taking any part in the proceedings of the said Associate Presbytery of Cambridge, upon the said trial of the said Alexander Bullions before said Associate Presbytery. The said Thomas Goodwillie and William Pringle, at that time being members of said Associate Presbytery of Cambridge.

And the said Defendants at other times pretend that the said Alexander Bullions is willing to submit to the authority of the said Associate Presbytery of Cambridge and to the said Associate Synod of North America, and adhere to and abide by the judgments and decisions thereof. And this pretended willingness they insist authorises them to continue the said Alexander Bullions as pastor or minister of the said Associate Congregation of Cambridge, notwithstanding he had been deposed and excommunicated, as herein before stated.

Whereas your Orators charge the contrary of such pretence to be the truth; and they also charge and aver, that the said Alexander Bullions has, as your Orators are informed and believe, repeatedly declared in substance and effect, that he would never submit to the authority of the said Associate Presbytery, or would not belong to it one hour even if it should restore him immediately, and such your Orators believe to be the intention and fixed determination of the said Alexander Bullions.

And your Orators also charge, aver and insist, that if the said last mentioned pretence of the said Defendants were true, it could give the said Defendants no right or authority whatever to permit the said Alexander Bullions to preach in the said Church edifice or meeting house of the said Associate Congregation, or to administer divine ordinances of any description therein,—or to appropriate the property and effects of the said Associate Congregation to the support of the preachings and ministrations of the said Alexander Bullions therein. That the said sentence of the said Associate Presbytery and said Associate Synod, deposing and excommunicating the said Alexander Bullions as aforesaid, must be in due form legally rescinded and he restored to full communion and fellowship with the said Associate Presbytery of Cambridge and said Associate Synod of North America before he can act as Pastor or minister of said Associate Congregation of Cambridge, or of any other Congregation of the said Associate Church.

All which actings, doings and pretences of the said Defendants are contrary to equity and good conscience, and tend to the manifest wrong, injury and oppression of your Orators, and the other members of the said Associate Congregation who adhere to the principles of faith and practice, discipline and government of the said Associate Church, in the premises.

In tender consideration whereof and for as much as your Orators are remediless in the premises at and by the direct and strict rules of the common law, and cannot obtain adequate relief save in a court of equity where matters of this and the like nature are properly cognizable and relievable.

To the end therefore, that the said Defendants and their confederates when discovered, may, upon their several and respective corporal oaths, full, true, direct and perfect answers, make to all and singular the matters and things herein before stated and charged, as fully and particularly in every respect as if the same were here again repeated, and they thereto severally and specifically interrogated, paragraph by paragraph, and that they so answer not only as to the best and utmost of their several and respective knowledge and remembrance, but also as to the best and utmost of their several and respective information, hearsay and belief, and that they may answer specifically all and singular the premises aforesaid, with dates, sums and all attending circumstances.

And that the said Defendants, James Coulter, James Shiland, Robert McClelland and Peter Hill, may be compelled by a decree of this Honorable Court, to permit Clergymen in good standing and full communion with the said Associate Presbytery of Cambridge, and the said Associate Synod of North America, and who adhere to the principles of faith, discipline and government of the said Associate Church, to preach, teach and administer divine ordinances, according to the established and received doctrines of the said Associate Church, to the said Associate Congregation of Cambridge in the aforesaid church edifice or meeting-house, and to appropriate the funds, property and effects of the said Associate Congregation, or Corporation, to the support and maintenance of such preaching, teaching and ministration, and to none other. And that they together with the said Defendant Alexander Bul-

lions may be required to come to a full, just and fair accounting of the said property, funds and effects, and of the proceeds and income thereof, since the time of the deposition and excommunication of the said Alexander Bullions—that the said four Trustees (Defendants) be removed from their said office of Trustees for their misconduct and breach of trust, and that their places be supplied in such manner as this Honorable Court shall direct, and that they, the said four Trustees and each of them, be required to deliver to the Trustees then to be appointed, or to such other person or officer as this Honorable Court shall direct, all and singular the books, papers, property and effects of said Associate Congregation. And that in the mean time, the said Defendant Alexander Bullions may be restrained and enjoined by the order and injunction of this Honorable Court, from preaching, teaching, or in any manner, officiating as Pastor or Minister in the said church edifice or meeting-house of the said Associate Congregation, and from intermeddling, in any manner, with the temporalities and spiritualities of said Associate Congregation. And that the said four Trustees (Defendants) may, in like manner, be restrained and enjoined from permitting the said Alexander Bullions to preach, teach, or in any manner, administer divine ordinances in said church edifice or meeting-house, so as aforesaid, belonging to the said Associate Congregation of Cambridge, and from appropriating, or in any manner, disposing of the funds, property and effects of the said Associate Congregation for any other purpose or object than that of the support and maintenance of a Pastor or Minister in regular standing and in full communion with the said Associate Presbytery of Cambridge, subordinate to the said Associate Synod of North America—duly called, sent and inducted as Pastor of said Associate Congregation, according to the rules and principles of faith and practice, discipline and government of said Associate Church. And that your Orators may have such further relief, or such other or further relief in the premises, as the nature and circumstances of their case may require, and as may be agreeable to equity and good conscience.

May it please your Honor, the premises considered, to grant unto your Orators the People's writ of injunction, issuing out of and under the seal of this Honorable Court, to be directed to the said Alexander Bullions, James Coulter, James Shiland, Robert McClelland and Peter Hill, their Counsellors, Attorneys, Solicitors and Agents, commanding the said Alexander Bullions that he absolutely desist and refrain from preaching, teaching, or in any manner, officiating as Pastor or Minister in the said church edifice, or meeting-house of the said Associate Congregation of Cambridge, or from intermeddling in any manner, with the temporalities or spiritualities of said Associate Congregation—and commanding the said James Coulter, James Shiland, Robert McClelland and Peter Hill, and each of them, absolutely to desist and refrain from permitting the said Alexander Bullions, or any other Minister, not in regular standing and full communion with the said Associate Church, and who shall be called to officiate as Pastor of said Associate Congregation, according to the rules and principles of faith and practice, discipline and government of said Associate Church, to preach, teach, or in any manner, administer divine ordinances in said church edifice, or meeting-house of the said Associate Congregation of Cambridge, and from appropriating, or in any manner, disposing of the funds, property or effects of the said Associate Congregation, for any other purpose or object whatsoever than that of the support and maintenance of a Pastor or Minister, for said Associate Congregation, in regular standing and full communion with the said Associate Presbytery of Cambridge, and the said Associate Synod of North America, and from preventing or in any

manner interfering with the occupation of the said church edifice, by your Orators and the other members of the said Associate Congregation, adhering to the said Associate Presbytery and the said Associate Synod, for the purpose of having divine ordinances administered therein, according to the principles of faith and practice, discipline and government of the said Associate Church, until the further order of this Honorable Court in the premises.

May it also please your Honor to grant unto your Orators the People's most gracious writ of subpoena, issuing out of and under the seal of this Honorable Court, to be directed to the said Alexander Bullions, James Coulter, James Shiland, Robert McClelland, Peter Hill and the Associate Congregation of Cambridge, of the County of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now, the Associate Synod of North America, commanding them and each of them to appear before your Honor in this Honorable Court, according to the rules and practice thereof, then and there to answer the premises, and to stand to abide by and perform such order, direction and decree therein, as shall be agreeable to equity and good conscience—and your Orators shall ever pray, &c.

JOHN CRARY, *Solicitor*
For Complainants.
 S. STEVENS, *of Counsel.*

JOHN ROBERTSON,
 WILLIAM McGEOCH,
 EDWARD SMALL.

STATE OF NEW-YORK, : On this 19th day of March, A. D., 1839,
 City and County of Albany, ss.: before me personally appeared John Robertson, William McGeech and Edward Small, three of the complainants named in the foregoing bill of complaint, and severally made oath that they had heard the said bill of complaint, by them subscribed, read and know the contents thereof, and that the same is true of their own knowledge, except as to the matters which are therein stated to be on the information or belief of the said complainants, and as to those matters they believe it to be true.

R. J. HILTON, *Judge*
Albany County Courts.

IN CHANCERY:

To the Chancellor of the State of New York,

Humbly complaining, your Orators, William Stevenson, William Robertson, William McGeech, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, John Arnot, James Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster and William Livingston, members in full communion of the Church known as the Associate Congregation of Cambridge, of the County of Washington, in the State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, for themselves and all other members of the said Church and Congregation who adhere to the standard thereof, respectfully shew unto your Honor, That on or about the 20th day of March, in the year 1839, your Orators filed their original bill before your Honor in this Court, against Alexander Bullions, James Coulter, James Shiland, Robert McClelland, Peter Hill, and the Corporation called and known as the Associate Congregation of Cambridge, of the County of Washington and State of New York,

adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, as Defendants thereunto, stating, charging, and praying as hereinafter set forth.

And your Orators further shew, that the said Defendants having been served with process to appear, have appeared by their Solicitor, but have not put in any answer to said bill.

And your Orators further shew, that on the 6th day of August, in the year 1839, as your Orators are informed by their Solicitor and by a certified copy of an order of this Court, and verily believe, leave of this Court was duly granted to your Orators, upon their petition and motion, and upon due notice to the Solicitor of said Defendants, to file a supplemental Bill, with leave to insert therein such amendatory matter, with all proper averments to make the same pertinent, as your Orators might be advised, without prejudice, however, to the right of said Defendants, or any of them, to demur to the said supplemental Bill, or to any matter contained therein, if they the said Defendants should be advised so to do.

And your Orators further shew, that in and by said original Bill, your Orators stated and shewed unto your Honor, that in or about the year 1754, as your Orators are informed and believe, the sect or denomination of Christians, known in common parlance as the Associate Church of North America, but which is now styled and called in the minutes and records of the proceedings of said Church "the Associate Synod of North America," was in all due form organized as a Church in the then Province of Pennsylvania, under the inspection, superintendence and care of the Associate Synod of Scotland, and the several Congregations of said Church, at or about the same time, by the authority of said Synod, constituted and organized a Presbytery, which was styled "The Associate Presbytery of Pennsylvania," and which was then subordinate to the said Associate Synod of Scotland.

And your Orators further shew, in said original Bill, that in or about the year 1784, sundry of individuals of the town of Cambridge, and other adjacent towns in the State of New York, professing the tenets, principles and faith of the said Associate Church, petitioned the Associate Presbytery of Pennsylvania, praying said Presbytery to send one of their number to dispense divine ordinances to and among said petitioners according to the received principles of the said Presbytery. And in or about the latter part of the said year 1784, in compliance with the prayer of said Petition, the Rev. Thomas Beveredge was sent by the said Presbytery to the said petitioners, at said Cambridge—and in the early part of the year 1785, a Congregation was duly organized as a local Church in said town of Cambridge, under and subordinate to the said Associate Presbytery, according to the principles of said Presbytery, and subject to the discipline and government thereof, which said Congregation was called and known by the name and style of "The Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania." The term "*Congregation*" as used in the said Associate Church, means a local Church, comprising the persons who are members thereof in full communion, and their children, within a particular territory convenient for the assembling and attending upon divine worship.

And your Orators in said original Bill, further shew, that in or about the year 1802, the said Associate Church, adhering and subordinate to the said Associate Presbytery having greatly increased, said Associate Presbytery of Pennsylvania was divided into several separate Presbyteries, that is to say—"The Associate Presbytery of Cambridge, the Associate Presbytery of Philadelphia, the Associate Presbytery of Chartiers, and the Associate Presbytery of Ken-

tucky—the name of which last mentioned Presbytery has since been changed to that of Miami. To which there have been since added at different times, the Associate Presbyteries of the Carolinas, Ohio, Alleghany, Muskingum, Albany, Chenango, Stamford, Indiana, Illinois, Richland and Vermont, being in all at the present time, fifteen. And it was also deemed expedient and necessary to erect a Synod in North America, and accordingly, at or about the same time, (1802) a Synod was duly constituted and organized by said Associate Church, as the Supreme Judicatory of said Church in North America, and to which all the Presbyteries and Congregations of said Associate Church were and are subordinate and subject, and owe obedience and submission, according to the principles, discipline and government of the said Associate Church, which said Synod was and is called and known by the name and style of “the Associate Synod of North America.” And although the Associate Presbytery of Pennsylvania, and also afterwards the Associate Synod of North America had acknowledged ecclesiastical subordination to the Associate Synod in Scotland, yet, in or about the year 1817, this subordination was abolished by a deed of the general Associate Synod of Scotland, which deed was acquiesced in by the Associate Synod of North America.

And your Orators in said original Bill, further shew, that at the meeting of the said Synod of North America in May, in the year 1838, the Reverend Thomas Goodwillie and the Rev. William Pringle, who respectively had charge of Congregations in the State of Vermont, as ministers and pastors, were regularly erected by said Synod, as a separate Presbytery, called the Associate Presbytery of Vermont, but previous to that time, said ministers and said Congregations belonged to and formed a part of said Associate Presbytery of Cambridge.

And your Orators further shew, in said original Bill, that the said “Associate Congregation of Cambridge has belonged to and formed a part of said Associate Presbytery of Cambridge ever since its organization, and still does belong thereto and form a part thereof.

And your Orators further shew, in said original Bill, that the Judicatories established by said Church for the proper discipline and good government thereof and of all its Congregations, members and officers, are Sessions, Presbyteries, and a Synod.

That said Judicatories were established at an early period of the history of said Church in Scotland, and were adopted by said Associate Church in America upon its organization in Pennsylvania, as herein before stated. A session consists of the minister or ministers, (where there are more than one,) and the ruling elders of a particular Congregation. A Session has the general superintendence and control and government of the Congregation—admits persons to the communion, with power to call before them and proceed against offending members and to punish by the censures of the said Church as the case may require. But a Session has no authority to try, or otherwise deal with its ministers.

And your Orators, by leave of this Court first obtained as aforesaid, further shew, by way of amendment to said original Bill, that a Session also has full power and ample authority to suspend any of the members of its Congregation from the communion and all other privileges as members of the said Church, upon any charge or information, obtained by any of the members of such Sessions, of any errors or heresies in faith, or immorality in conduct, until a trial and regular course of dealing can be had, according to the rules of faith, practice, discipline and government of said Associate Church. And the Sessions have full power to excommunicate any of the officers or members of its Congregation, except the minister thereof.

And your Orators further shew, in said original Bill, that any person feeling aggrieved by the sentence of a Session, may appeal to the Presbytery of which the said Session is a member.

A Presbytery consists of all the ministers and one ruling elder from each settled or organized Congregation within a particular district, and has due and ample ecclesiastical cognizance of all things that regard the welfare of the particular Congregations or Churches within its bounds—of receiving and issuing appeals from the several sessions within its bounds, and of hearing and determining the same—of ordaining, settling and removing ministers within its bounds or jurisdiction—of trying all ministers belonging to said Presbytery when accused, and of acquitting or convicting as the case may require; and if convicted, of punishing by suspension, deposition, and excommunication or other censures of said Church—of visiting the Congregations within their bounds, to inquire into their state, to redress any evils that may have arisen within them, and generally ordering whatever pertains to the good government of that part of the Church which is under their immediate inspection.

And your Orators, by like leave, further shew by way of amendment, that a Presbytery also has full power and ample authority to suspend or excommunicate, or both, any Congregation or any portion of any Congregation *en masse*, within its bounds or jurisdiction, or under its control, supervision or inspection, for any error in doctrine, immorality in practice, insubordination, schismatic, or other disorganizing or heretical conduct, or other disregard of, or non-compliance with, the deeds, acts, decrees or decisions of the Presbytery, or contempt or disobedience of its lawful authority, and to declare who do or who do not compose any part of, and who are and who are not members of any Congregation, and in all respects to determine and declare the ecclesiastical standing of any Congregation or any part thereof, within its jurisdiction or under its supervision or inspection, and who are and who are not the legal and regular elders of any such Congregation, and whether the Session of any such Congregation has been or is legally and canonically constituted, and every Congregation belonging to, or within the bounds or jurisdiction of any Presbytery, or under its control, supervision or inspection, are bound to yield obedience, and in all things to observe and conform to the acts, deeds, sentences and decisions of such Presbytery, in all matters of doctrine, faith, practice, discipline and government.

And by said original bill your Orators further shew that any party feeling aggrieved by any sentence or decision of a Presbytery may appeal to the Synod.

The Synod is the Supreme Judicatory of the Church. It is composed of all the Ministers in the several Presbyteries of said Associate Church under the inspection of the Synod, or of delegations of Ministers from said Presbyteries, together with the ruling elders from said Presbyteries.

The Synod has power to hear and finally determine all appeals, regularly brought from any Presbytery, to decide on all references made to it to review the records and proceedings of the Presbyteries, to redress whatsoever is done contrary to order, and of reproving, warning and bearing testimony against all error in doctrine or immorality in practice, in any Presbytery or in any Congregation or Church, of electing new Presbyteries, when the Synod may deem it necessary.

And your Orators (by like leave) further shew by way of amendment that the Synod also has power to suspend or dissolve any Presbytery to connect the members of it with another Presbytery, and to place the Congregations be-

longing to it, under the care of any other Presbytery, temporarily or permanently, as the Synod may deem meet, and upon deposing any Minister, or upon affirming the act or sentence of any Presbytery, deposing any Minister, the Synod has full power and lawful authority to declare the office of Pastor or Minister in the Congregation to which the deposed Minister had been called, vacant ; and whenever the Synod may deem it necessary to appoint and send commissioners to labor in any Congregation of said Associate Church, by persuasion, exhortation and preaching for the purpose of correcting any error in doctrine, or healing any division or other difficulties which may exist ; and generally, to do whatever may be necessary, proper and just, to preserve the peace, harmony and purity of the Church.

And your Orators in said original bill, further shew that the " Associate Synod of North America is the Supreme Judicatory of the said Associate Church in North America ; and its decisions are final, and by the faith and doctrine of said Church, obligatory upon all the Judicatories, Officers, Members and Congregations of said Church.

And your Orators further shew in said original bill, that there are two sentences of excommunication, used by the Judicatories of the said Associate Church for the discipline thereof, one of which is called the higher sentence and the other the lesser sentence of excommunication.

The former severs all ties of connexion between the Church and the offending member, while the latter, although it suspends and cuts off the offending member from all rights, privileges and immunities as a member of the Church, until it is revoked, yet the Church continues the power of remonstrating, laboring and dealing, with the offending member for the purpose of bringing him to repentance, and a return to his duty as a member of said Church, and not till all discipline, labor and remonstrance are found to be in vain, is the higher sentence of excommunication inflicted.

And your Orators further shew in said original bill, that in or about the year 1784, the said Associate Church of North America, through the said Associate Presbytery of Pennsylvania, adopted and published a particular statement of their principles in a book, commonly called and known as " the declaration and testimony of the Associate Church of North America."

These principles require every member admitted to communion in said Associate Church, solemnly to declare and profess his or her adherence to the Westminster confession of faith, the larger and shorter catechisms, form of Presbyterian Church government, and directory for the public worship of God, as expounded, received and witnessed for in the said declaration and testimony of the said Associate Church, and to declare and profess their approbation of said declaration and testimony, and to declare their solemn and fixed promise and resolution through grace, to continue in the faith as exhibited and declared in said standard, and to be subject to the order and discipline of said Church, and every officer, whether ruling elder or minister, is required by his ordination, vows to submit himself willingly and humbly to the Church Courts of said Associate Church, to endeavor to maintain the spiritual unity and peace of said Church, to continue steadfast in the principles professed by the said Associate Church, and carefully to avoid every divisive course ; every ruling elder promises in his vows submission in the Lord to his session, and every minister to his Presbytery as subordinate to the Associate Synod of North America.

And your Orators further shew in said original Bill that the principles thus adopted, established, published and promulgated by said Associate Church, have ever been and still are the principles of the faith and practice, discipline

and government of the said Associate Church, and are obligatory upon every officer and member thereof.

And your Orators further shew in said original Bill that the said Associate Congregation of Cambridge have always since their first organization in 1785, as herein before mentioned, been, in all respects duly organized as a Congregation or Church, and they were incorporated in the year 1826—that as well before as since the incorporation thereof, the temporalities of the said Congregation, and of all other Congregations of said Associate Church, were committed to the custody and care of Trustees, elected by the members of the said Congregation in full communion from among themselves.

That subsequent to the said first organization of the said Associate Congregation of Cambridge, and prior to the year 1838, the said Congregation acquired by donations and subscriptions, from among themselves and otherwise, the following real property and estate, that is to say.

On or about the 7th day of July, 1786, Jonathan French, then of the town of Cambridge, by deed of that date, between himself, as party of the first part, and John Blair, James Small, James Eddie, James Irvine, William McAuley, David French and George Miller, chosen and elected Trustees for the Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania, of the second part, in consideration of six pounds, conveyed to the said party of the second part and their successors forever one half acre of land, situate in said town of Cambridge, on the south part of lot number thirty-two of the first division—which piece of land is particularly described in said deed by meets and bounds, and courses and distances, *habendum*, to the said party of the second part, and to their successors, forever, to the sole and only proper use, benefit and behoof of the said Associate Congregation of Cambridge, with full covenants, among which is a covenant for such further assurance as may be deemed necessary to vest said piece or parcel of land in the said party of the second part and their successors for the sole use of the said Associate Congregation of Cambridge—which said deed not having been executed by the wife of the said grantor, and it being supposed that there were some other defects therein, and the said Associate Presbytery of Pennsylvania having been divided into several Presbyteries, and the Associate Synod of North America having been established as herein before mentioned, the said Jonathan French and Jane his wife, by the consent of all the grantors in said deed, on or about the twenty-first day of January, 1810, by a certain indenture or deed of confirmation of that date, made between himself and his said wife, of the first part, and James Small, James Eddie, James Irvine, Alexander Skellie, senior, James Hoy, James Rolle, William Stevenson, John Robertson, Samuel Green, Alexander Skellie, junior, John Shiland, junior, James Hill, Alexander Livingston and William McGeoch, of said town of Cambridge, Trustees for the Associate Congregation of Cambridge, in accession to the principles presently maintained by the Associate Synod of North America, and now under the inspection of the Associate Presbytery of Cambridge, belonging to the said Synod, and whereof the Rev. Alexander Bullions is the present Pastor, parties of the second part, reciting the said last mentioned conveyance from the said Jonathan French, and that the Associate Congregation was not incorporated, and that the said Associate Congregation had elected the said parties of the second part, Trustees thereof for the purpose of managing and taking care of the temporalities of said Associate Congregation—and that doubts had arisen whether the title to said premises was completely vested in the members, who then were or thereafter might be in full communion with, and compose the said Congregation, and in

such persons as they then had elected and chosen, or at any time thereafter might elect and choose from among themselves as Trustees to manage and take the charge and care of the temporalities of the said Congregation and their successors in office of Trustees, and that the said grantor was willing to remove all such doubts, and to confirm and secure the title to the said premises in, and to the members who then were or thereafter might be in full communion with, and should compose the said Congregation, and in and to such persons as they then had elected, or at any time thereafter, might elect and choose from among themselves as Trustees to take the charge and care of the temporalities of said Congregation and their successors in the office of Trustees, to be elected and chosen as aforesaid, forever, thereafter.

In consideration for the better testing and confirming the title aforesaid, and also in consideration of one dollar, did grant, bargain, sell, remise, release and confirm to the said parties of the second part, their heirs and assigns, the said before mentioned premises, *habendum* to the said parties of the second part, their heirs and assigns forever to the intent for the use and interest, for the members who then were or thereafter might be in full communion with and should compose the said Associate Congregation of Cambridge in accession to the principles then presently maintained by the Associate Synod of North America, and then under the inspection of the Associate Presbytery of Cambridge, belonging to said Synod, and for such persons as the said members at any time thereafter might elect and choose from among themselves as Trustees and their successors in office to be elected and chosen as aforesaid.

And on or about the 24th day of December, in the year 1799, James Gilmore, then of the said town of Cambridge, by deed of that date, between himself as party of the first part, and Alexander Skellie, senr., James Irvine, James Hoy, James Rolle, Samuel Green, William Stevenson and Robert Cumming, Trustees for the Associate Congregation of Cambridge aforesaid, and their successors, in accession to the principles presently maintained by the Associate Presbytery of Pennsylvania, and now under the inspection of said Presbytery of the second part, in consideration of twenty-eight pounds conveyed to the said party of the second part, and to their successors forever, half an acre of land situate in said town of Cambridge, being part of lot number thirty-one of the first division of Cambridge Patent, which said piece of land is particularly described in said deed by meets and bounds and courses and distances, *habendum* to the said party of the second part, and their successors for the proper use, benefit and behoof of the said Associate Congregation of Cambridge forever.

And on or about the 23d day of October, in the year 1827, Alexander Bullions, then of the said town of Cambridge, together with Mary his wife, by deed of that date between them, as parties of the first part, and Francis McLean, William Stevenson, William McGeoch, Edward Small, John Robertson, Tanner, and George Lourie, Trustees of the Associate Congregation of Cambridge, of the County of Washington, and State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, of which the Rev. Alexander Bullions is minister of the second part, in consideration of seven hundred dollars conveyed to the said parties of the second part, and to their successors in office forever, two certain pieces or parcels of land situate in the said town of Cambridge, being two sub-divisions of lot number 31 of the first division of Cambridge Patent; one of which pieces contains fourteen acres, and the other six acres and twenty-two perches of land—both of which said pieces of land are particularly described in said deed by meets and bounds and courses and distan-

ces—*habendum* to the said parties of the second part and their successors in office forever.

And on or about the 9th day of March, in the year 1835, William Stevenson and Jane his wife, of the said town of Cambridge, by deed bearing date the day and year last aforesaid, between them as parties of the first part, and James Coulter, William McGeoch, George Lourie, James T. Green, 2nd, and Peter Hill, 2nd, Trustees of the Associate Congregation of Cambridge, in the County of Washington, and State of New York, and their successors in office, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now formed into the Associate Synod of North America, of which the Rev. Alexander Bullions is now the minister of the second part, in consideration of five dollars, conveyed to the said party of the second part, their successors in office, heirs and assigns forever, six perches and ninety-one hundredths of land situate in said town of Cambridge, and is a sub-division of lot number thirty-two of the first division of Cambridge Patent, which said piece of land is particularly described in said deed by meets and bounds, courses and distances, *habendum* to the said parties of the second part, their successors in office, heirs and assigns, to their sole and only proper use, benefit and behoof forever in trust.

All which will more fully appear by the said several deeds herein before mentioned, and now in the possession of your Orators ready to be produced as this Honorable Court shall direct, and to which, when produced, your Orators for greater certainty pray leave to refer.

And your Orators further shew in said original bill, that in or about the year 1833 the said Associate Congregation of Cambridge, erected and built upon the said real estate so granted to them as herein before mentioned, a brick church edifice or meeting house of the value of about nine thousand dollars, and that previous to the first day of June, in the year 1838, the said Associate Congregation of Cambridge, and individual members thereof, also erected and built upon the said premises so acquired by them as aforesaid, the necessary sheds and other out houses for the accommodation of the members of the said Associate Congregation and other persons attending divine worship at said church edifice or meeting house, so erected and built by said Associate Congregation as aforesaid, and that previous to the day and year last aforesaid, the said Associate Congregation also erected and built upon the premises aforesaid, a suitable dwelling house with the necessary out buildings connected therewith for the use and occupation of the pastor or minister of the said Associate Congregation of Cambridge.

And your Orators further shew in said original bill, that the said real estate so granted to the said Associate Congregation of Cambridge as aforesaid together with the brick church edifice or meeting house and other buildings so made and erected thereon, as herein before mentioned, is now of the value of about thirteen thousand dollars, as your Orators verily believe.

And your Orators further shew, in said original Bill, that the said Associate Congregation of Cambridge, have also acquired considerable personal property, such as a library, furniture for the church and the pulpit thereof, fire wood for the use of meeting house, &c., in all of the value of about \$450, as your Orators believe.

All which property, both real and personal, was obtained, acquired and accumulated by the said Associate Congregation of Cambridge, and ever has been and still is held by the Trustees of said Congregation, in trust, for the sole and only and exclusive purpose of being devoted, and appropriated solely and exclusively to the support and maintenance of the preaching and teaching

the Gospel and the administration of divine ordinances in said Associate Congregation according to the aforesaid principles of faith and practice, discipline and government of said Associate Church of North America—according to which principles no minister, who is under sentence of excommunication, can be permitted to occupy the pulpit or administer divine ordinances in said Associate Congregation, nor can any member of said Associate Congregation hear the preaching, and receive the administration of divine ordinances from a minister under sentence of excommunication, without violating the solemn vows, which they took upon themselves when they became members of said Associate Church—which your Orators verily and most conscientiously believe would be sinful in the sight of God.

And your Orators further shew, in said original Bill, that on or about the 21st day of November, in the year 1826, the said Associate Congregation of Cambridge, was duly incorporated under and by virtue of the statute in such case, made and provided, by the corporate name, style and description of “The Associate Congregation of Cambridge of the County of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America,” and six Trustees were then elected as by the certificate of incorporation, recorded in the Clerk’s office of the County of Washington, as on the 6th day of January, in the year 1827, or an authenticated copy thereof, ready to be produced by your Orators, will more fully appear, and to which, when produced, your Orators for greater certainty pray leave to refer.

And your Orators further shew, in said original Bill, that said Trustees have been divided into three classes, and one third thereof elected yearly, and every year since the incorporation of said Associate Congregation.

And your Orators further shew, in said original Bill, that, by the rules and principles of the faith and practice, discipline and government of said Associate Church, the Trustees of any Congregation thereof have no power or authority to call, or in any manner, to obtain or procure a minister to preach or officiate in such Congregation, either as pastor thereof, or temporarily, or even on a single occasion—that a Clergyman in good standing and in full communion and fellowship with said Associate Church, can only be called to the office of pastor of any Congregation of said Church by a call signed by the elders and members of such Congregation in full communion, which call is addressed to the Clergyman whom the Congregation wish to call as their pastor is preferred and presented to the Presbytery to which such Congregation belongs. If the Presbytery approve of the call, and the Clergyman to whom it is addressed, accepts thereof, he is ordained and installed by said Presbytery as the pastor of said Congregation, but if the Presbytery do not assent to and approve of such call, such Clergyman cannot become the pastor of such Congregation; when the wish of a Congregation is to have the office or place of pastor, temporarily supplied the elders of the Congregation petition the Presbytery to which they belong for such supply, and the Presbytery order such office or place of pastor of such Congregation, to be supplied for such length of time, and by such Clergyman, as the said Presbytery may deem proper. It is admissible for the Session of the Congregation to invite a minister in good standing and in full communion with said Associate Church, to preach in said Congregation, for one or two Sabbaths, as the exigencies of such Congregation may require, but in no other way or manner without the authority of Presbytery or Synod can the pulpit of any Congregation of said Associate Church be filled or supplied, either permanently, temporarily or otherwise.

And your Orators further shew, in said original Bill, that in or about the

year 1808, the said Associate Congregation of Cambridge, in the County of Washington, called the Rev. Alexander Bullions as their pastor and minister, which said call was in writing, and is now in the possession or under the control of the said Alexander Bullions, as your Orators believe, and charge the fact to be, and which they pray, he may be required to produce to this Honorable Court, and which was in the words, or to the purport and effect following, that is to say.

We, the elders and other members of the Associate Congregation of Cambridge, in the State of New-York, in full communion, who have acceded to the Lord's cause, as professed and maintained by the Associate Presbytery of Cambridge, as subordinate to the Associate Synod of North America; taking into our serious consideration the great loss we suffer through the want of a fixed Gospel ministry among us, and being fully satisfied from opportunities of enjoying your public ministrations, that the great head of the Church has bestowed upon you, Mr. Alexander Bullions, such ministerial gifts and endowments, as through the divine blessing may be profitable for our edification; we therefore hereby call and beseech you to come to us and help us by taking the charge and oversight of this Congregation, to labor in it and watch over it as our fixed pastor, and on your acceptance of this our call, we promise you all due support, respect, encouragement and obedience in the Lord.

In testimony whereof, &c.

And your Orators further shew, in said original Bill, that such call, after being signed by the elders and members of said Congregation was delivered to and received and accepted by the said Alexander Bullions through the hands of the said Associate Presbytery of Cambridge, and such proceedings were thereupon had that the said Alexander Bullions was ordained and installed as the pastor and minister of said Associate Congregation of Cambridge, and on such ordination and installation, one of his vows was in answering affirmatively the following question. "Do you engage to submit yourself willingly and humbly, in the spirit of meekness, to the admonitions of this Presbytery as subordinate to the Associate Synod of North America, remembering that, while they act uprightly, they judge not for men, but for the Lord who is also with them in the judgment, and do you promise that you will endeavor to maintain the spiritual unity and peace of this Church, carefully avoiding every divisive course, neither yielding to those who have made defection from the truth, nor giving yourself up to a detestable neutrality and indifference in the cause of God, but that you will continue steadfast in the profession of the reformation principles maintained by us; and this you promise through grace, notwithstanding any trouble or persecution you may be called to suffer in studying a faithful discharge of your duty in these matters?"

And in said original Bill, your Orators further shew that the said Alexander Bullions continued to be the pastor of the said Associate Congregation of Cambridge, under the authority and government of the Associate Presbytery of Cambridge, until after a series of delinquencies and misconduct on his part and a regular course of dealings and discipline with him by the said Presbytery of Cambridge, the said Presbytery, on or about the 12th day of April, in the year 1838, at South Argyle, being then and there duly convened, and met pursuant to adjournment, after setting forth in a preamble the delinquencies and unchristian conduct of the said Alexander Bullions, and the course of dealings and discipline of the said Presbytery with him and the contumacy of the said Alexander Bullions unanimously passed sentence of deposition and excommunication upon him in the words following, that is to say.

Resolved, That he, (the said Alexander Bullions,) be deposed from the office of the holy ministry and discharged from exercising any part of the same, aye, and until he give satisfactory evidence of his repentance and reformation—and accordingly, we, the Associate Presbytery of Cambridge, hereby do, in the name and by the authority of our Lord Jesus Christ, depose the said Alexander Bullions, D. D., from the office of the holy ministry, and prohibit him from exercising any part of the same, and excommunicate him with the lesser sentence of excommunication until he repent and return to his duty in submission to Presbytery.

And your Orators, (by like leave,) further shew by way of amendment to said original Bill, that the said Alexander Bullions was, according to the rules and principles of the faith and practice, discipline and government of the said Associate Church, duly accused before the said Associate Presbytery of Cambridge of the said delinquencies and misconduct, consisting among other things of falsehood, slandering his brethren in the ministry, the violation of solemn promises, endeavoring to create divisions and distractions in the Church, contemning the authority of Presbytery himself, and endeavoring to bring it into disrepute with and among other members of said Associate Church, for which he, the said Alexander Bullions, after a full and patient hearing by the said Presbytery, as well of all the matters which the said Alexander Bullions had or offered to urge in his defence, as of the proofs to sustain said accusation, was dealt with and finally deposed and excommunicated by said Presbytery, as is in that behalf in the said original Bill stated and set forth.

And in said original Bill, your Orators further shew, that the said Alexander Bullions has not, at any time since the said deposition and excommunication, made submission to the said Presbytery, but appealed therefrom to the Synod, and on or about the first day of June, in the year 1838, the said Associate Synod of North America, having full power and ample Jurisdiction to decide upon the said appeal, proceeded to hear and determine the same, and after hearing the proofs and allegations of the parties, and due deliberation had thereon, the said Synod decided upon the said appeal, and affirmed the decision of Presbytery, and although the said Alexander Bullions was remitted to the Presbytery of Cambridge, by the said Synod for further dealings, yet the said Alexander Bullions has never appeared before the said Presbytery of Cambridge, although cited in due form to appear before them, as will appear by reference to the proceedings of said Presbytery, as your Orators verily believe, but has persisted and still does persist in exercising the office of pastor and minister of the said Associate Congregation, in defiance and contempt of the authority of the said Associate Presbytery of Cambridge and the said Associate Synod of North America.

And in said original Bill, your Orators further shew, that the office of pastor and minister of the said Associate Congregation was formally declared vacant by the said Associate Presbytery of Cambridge, and that deed confirmed by the said Associate Synod of North America by means of the deposition and excommunication of the said Alexander Bullions, as herein before stated—and the Synod for the purpose of supplying said vacancy, temporarily, sometime during its session in the month of May or June, in the year 1838, duly appointed the Rev. Alexander T. McGill. and the Rev. Joseph McKie as commissioners to labor for a short season in the said Associate Congregation of Cambridge—and said commissioners were also required by the said Synod, to labor with the said Alexander Bullions, and to endeavor to bring him back to his duty and to heal the divisions between him and the said Associate Congregation—and on or about the 16th day of June, in the year 1838, the said com-

missioners appeared and attended at Cambridge for the purpose of preaching to the said Associate Congregation, and performing the duties assigned to and imposed upon them by the said Synod. But James Coulter, James Shiland, Robert McClelland, and Peter Hill, being a majority of the Trustees of the said Associate Congregation of Cambridge, although they the said Trustees were duly notified of the said deposition and excommunication of the said Alexander Bullions, and were also duly notified and informed that the said Associate Synod had declared the office of pastor of the said Associate Congregation vacant, and had duly appointed the said commissioners to supply said vacancy as herein before stated, by the direction and at the request and instigation of the said Alexander Bullions, as your Orators are informed and believe, shut the doors of the said meeting house of the said Associate Congregation, against the said commissioners, and absolutely refused to permit them, or either of them to occupy the pulpit thereof, or to preach or administer divine ordinances therein. And the said Trustees have permitted and still do permit the said Alexander Bullions to occupy the pulpit and to preach and officiate as pastor and minister in the said church edifice or meeting house, so as aforesaid erected by the said Associate Congregation of Cambridge, and sustain, uphold and support him therein, and have obtained possession of some of the books and other papers containing the minutes or records of the proceedings, of the spiritualities as well as the temporalities of said Church, and have rented or pretended to rent or otherwise appropriate the seats or pews in said church edifice, for a term of five years, as your Orators are informed and believe, to the exclusion of your Orators and the other members of the said Associate Congregation, who adhere to the said Associate Presbytery of Cambridge and the said Associate Synod of North America, and claim to and do control all the property, real and personal, of the said Associate Congregation, acquired in the manner and for the purpose and object herein before stated, and persist in diverting it from those uses and purposes, and in appropriating it to the maintenance and support of the said Alexander Bullions, and of his preachings and ministrations as pastor and minister, notwithstanding he has been legally deposed and excommunicated as herein before stated—and the said Trustees have excluded and still persist in excluding clergymen in full communion and regular standing with said Associate Presbytery of Cambridge and the said Associate Synod of North America, from preaching and administering divine ordinances in said church edifice or meeting house—and have also excluded and do still exclude your Orators and the other members of the said Associate Congregation who adhere to the principles of discipline and Church government of said Associate Church, from the said church edifice or meeting house, unless they will consent to sit under the preaching, teachings and ministrations of a deposed and excommunicated minister.

And your Orators, (by like leave) further shew, by way of amendment, that your Orators and the other members of the said Associate Congregation of Cambridge, who adhere to the said Associate Presbytery and the said Associate Synod, and who are opposed to the divisive and disorganizing course and conduct of the said Alexander Bullions, in contemning the authority and refusing submission to the lawful sentences and decrees of the said Judicatories of the said Associate Church, compose exclusively the said Associate Congregation of Cambridge, and were duly, legally and canonically adjudged, declared and decreed so to be, by the said Associate Presbytery of Cambridge, at a session of the said Presbytery, duly and legally convened for that and other purposes, in the town of Salem, in the County of Washington, on or about the 27th day of June, 1838.

And your Orators (by like leave) further shew by way of amendment, that five being all of the former elders of said Associate Congregation who now adhere to the said Alexander Bullions, after a due and regular course of dealing and discipline by the session of said Associate Congregation, according to the rules and principles of faith, discipline and government of said Associate Church have been duly suspended or excommunicated with the lesser sentence of excommunication.

And your Orators (by like leave) further shew by way of supplement, that since the filing of the original bill, the said four trustees, defendants and other of the former members of said Associate Congregation who now adhere to the said Alexander Bullions, after a due and regular course of dealing and discipline by the Session of said Associate Congregation, according to the rules and principles of faith, discipline, and government of said Associate Church, have been duly suspended or excommunicated with the lesser sentence of excommunication, and all the other persons who were formerly in full communion with Associate Congregation and members thereof, but who now adhere to the said Alexander Bullions, have after a due and regular course of proceedings for that purpose by said Session, been duly and legally suspended from the communion of the said Associate Church until trials can be had in their respective cases upon the accusations wherewith they are charged before said Session.

And your Orators (by like leave) further shew by way of amendment, that the Session of said Associate Congregation by whom the said adherents of the said Alexander Bullions have thus been excommunicated and suspended, was in all things duly, legally and canonically constituted and organized according to the rules of faith, discipline and government of said Associate Church, and was and is the only legally constituted Session of said Associate Congregation and by a certain act, decree or decision of the said Associate Presbytery of Cambridge on or about the 27th day of June, 1838, was duly declared and recognized so to be, which act or decree of said Associate Presbytery, still remains in full force and effect, and according to the principles of the faith, discipline and government of said Associate Church is binding and obligatory upon said Associate Congregation, and every member thereof, and upon every member of said Associate Church.

And your Orators (by like leave,) further shew by way of amendment, that according to the rules and principles of the faith and practice, discipline and government of said Associate Church, none of said persons who adhere to the said Alexander Bullions are members of said Associate Church in full communion, nor are they members of, nor do they collectively or individually, compose, any part of the said Associate Congregation of Cambridge, or of any other Congregation adhering to the said Associate Presbytery of Cambridge, or to any other of the ecclesiastical judicatories of said Associate Church, nor are they collectively or individually recognized by any of the judicatories of said Associate Church as belonging to or composing any part of any Congregation in communion and fellowship with, and adhering to the faith and practice, discipline and government of said Associate Church, that as your Orators are informed and believe and charge the truth to be after the deposition and excommunication of the said Alexander Bullions as aforesaid, on or about the 11th day of June, 1838, and at divers other times the said Alexander Bullions and the other defendants, and the other adherents to the said Alexander Bullions, abjured and repudiated the authority of the said Associate Presbytery and Synod and the Presbyterian form of church government, and have ever since acted and still continue to act in hostility thereto and in defiance thereof, and the said Trustees instead of appropriating the said property of the said As-

Associate Congregation to and for the uses and purposes for which it was intended, and devoted as hereinafter stated and set forth, have appropriated and still continue to appropriate it, to the maintenance and support of the preaching and ministrations of the said Alexander Bullions who is not a minister or even a member of said Associate Church, without the consent and contrary to the wishes of the said Associate Congregation, and the legally constituted Session thereof, and contrary to the faith and practice, discipline and government of said Associate Church;—and have appropriated and still continue to appropriate the said church edifice and other property and effects which belong solely and exclusively to the Associate Congregation of Cambridge, adhering to the principles of the Associate Synod of North America, and which was acquired for and devoted to the uses and purposes herein before stated, to the use, occupation and benefit of the said Trustees and others associated and combined with them, none of whom are in communion with, or members of said Associate Congregation of Cambridge, adhering to the principles of the said Associate Synod, or of any Congregation adhering to or recognized by any of the judicatories of said Associate Church, to the entire exclusion of the said Associate Congregation of Cambridge, adhering to the principles of the said Associate Synod, and in full communion with said Associate Church.

And your Orators in their original Bill further shew, that the said James Coulter, James Shiland, Robert McClelland, and Peter Hill, the said four Trustees herein before named, together with William Stevenson and William Robertson, two of your Orators, since the first day of April, in the year 1838, have been and still are the Trustees of the said Associate Congregation of Cambridge, and that the said James Coulter, James Shiland, Robert McClelland and Peter Hill are adherents and supporters of the said Alexander Bullions, and they together with the said Alexander Bullions and the said corporation are the Defendants hereinafter named.

And your Orators in their original Bill further shew, that they have frequently and in a friendly manner in behalf of themselves and the other members of the said Associate Congregation of Cambridge, who adhere to the said Associate Presbytery of Cambridge, and to the Associate Synod of North America, applied to the said Alexander Bullions to desist from preaching or administering divine ordinances in the said church edifice or meeting house of the said Associate Congregation of Cambridge, and to the said James Coulter, James Shiland, Robert McClelland and Peter Hill, four of the Trustees of the said Associate Congregation, to exclude the said Alexander Bullions from preaching in the said church edifice or meeting house aforesaid, and requested them to permit Clergymen, in regular standing and full communion with the said Associate Presbytery of Cambridge and the said Associate Synod of North America, to preach and administer divine ordinances in the said church edifice or meeting-house, and to permit your Orators and the other members of the said Associate Congregation, who adhere to the principles of faith and practice, discipline and government of said Associate Church to occupy the edifice or meeting-house for that purpose, and requested the said Trustees to desist and refrain from diverting and misapplying the property and funds of the said Associate Congregation or any part thereof to the support of the said Alexander Bullions, or to the aid or support of the preaching of the said Alexander Bullions, and to devote and appropriate the said property and funds of the said Associate Congregation, and to direct and administer the affairs of the said corporation, according to the uses, trusts, purposes and objects, for which the same were intended by the founders thereof, as herein before stated, with which reasonable requests your Orators had well hoped the said Defendants

would have complied, as in equity and good conscience they ought to have done.

But now so it is, may it please your Honor that the said Defendants combining and confederating together and to and with divers other persons at present unknown to your Orators, but whose names, when discovered, your Orators pray, may be herein inserted with apt and proper words to charge them as parties Defendants hereto, to injure and oppress your Orators and the other members of the said Associate Congregation, who adhere to the principles of faith and practice, discipline and government of the said Associate Church, in the premises, do absolutely refuse to comply with the aforesaid requests of your Orators.

For reason whereof, the said Defendants sometimes pretend that the Trustees of the said Associate Congregation of Cambridge, having the possession and control of the temporalities thereof, a majority of them have a right to appropriate the property and effects thereof to the maintenance of any pastor or minister, and to the support of any christian preaching and teaching in said Congregation they may think proper.

Whereas your Orators charge the contrary of such pretence to be the truth, and your Orators also expressly charge that the Trustees of the said Associate Congregation cannot, without a violation of their duty and trust, appropriate the property and effects thereof, to any other use or purpose than that for which it was originally intended, to wit: to the maintenance and support of the teaching and preaching of the Gospel and the administration of divine ordinances in the said Associate Congregation, according to the principles of faith and practice, discipline and government of the said Associate Church, which can only be done by a minister or pastor in full communion and good standing with the said Associate Presbytery of Cambridge and the said Associate Synod of North America.

And at other times, although the said Defendants admit that the said Alexander Bullions was deposed and excommunicated by the said Synod, as herein before stated, yet then they pretend that since such deposition and excommunication, he the said Alexander Bullions, has been in all things restored to good standing in said Associate Church by the Associate Presbytery of the State of Vermont.

Whereas your Orators charge the contrary of such pretence to be the truth, and your Orators also expressly charge and aver that the said Presbytery of Vermont were and are wholly and totally incompetent to restore the said Alexander Bullions, as well because the said Presbytery had no jurisdiction whatever in the matter, as the said Alexander Bullions was and is under the jurisdiction of the Associate Presbytery of Cambridge, and cannot be, at the same time under two contradictory valid deeds, as because the said two ministers who alone with their ruling elders, compose the said Presbytery of Vermont, were and are relations of the said Alexander Bullions, by marriage, one being the brother-in-law and the other being a son-in-law of the said Alexander Bullions. And that in consequence of such relationship, the said two ministers who alone were the only ministerial members that compose the said Presbytery of Vermont, were excluded from voting or taking any part in the proceedings of the said Associate Presbytery of Cambridge, upon the said trial of the said Alexander Bullions, before said Associate Presbytery—the said Thomas Goodwillie and William Pringle at that time being members of said Associate Presbytery of Cambridge.

And your Orators, (by like leave,) further charge, by way of supplement, that since the filing of the said original Bill, and on or about the 25th day of May,

in the year 1839, at a regular annual meeting of the said Associate Synod of North America, duly convened at Pittsburgh, in the State of Pennsylvania, upon the act or deed of the said Presbytery of Vermont, restoring the said Alexander Bullions to the office of the ministry and to full standing in said Associate Church, being duly and legally brought before said Synod by the complaint of the said Associate Presbytery of Cambridge, and the facts in relation thereto, being duly proved by the Report of said Presbytery of Vermont, and other ecclesiastical evidence to said Associate Synod—the said Associate Synod after mature deliberation upon the premises, by an act, deed, decision or decree of Synod, did resolve, adjudge and declare, among other things, in substance and effect, that the conduct of the said Presbytery of Vermont, in the said restoration of the said Alexander Bullions was a contempt of the authority of Synod, a solemn mockery and perversion of the divine institution of Church government, and was not only illegal and unconstitutional, but disreputable to the ministerial and christian character of the brethren themselves of that Presbytery, and calculated directly to injure religion. That it was a most disorderly and irregular attempt to usurp the prerogative of a co-ordinate Presbytery, and to destroy all order and government in the Church—that it was trifling with and in direct violation of their ordination vows—was unbrotherly towards the Presbytery of Cambridge, and directly calculated to disrupt all fraternal feeling—that said conduct of the said Presbytery of Vermont during the first year of their Presbyterial existence, rendered it evident to Synod, that it was for the present unsafe to commit to them the Presbyterial oversight of that section of the Church, which the said Synod had committed to their care, and that said Presbytery of Vermont be suspended from the exercise of Presbyterial authority until the next meeting of Synod, and that those brethren and all the congregations, settled and vacant, under their oversight, be committed to the care of the said Associate Presbytery of Cambridge until the next meeting of Synod—that the deeds of the said Associate Presbytery of Vermont, restoring the said Alexander Bullions to the office of the ministry and the communion of the Church, and admitting him as a member of that Presbytery, were null and void from the beginning—as by the records or minutes of the proceedings of said Synod will more fully and at large appear.

And in said original Bill, your Orators further charge that the said defendants, at other times pretend that the said Alexander Bullions is willing to submit to the authority of the said Associate Presbytery of Cambridge and to the said Associate Synod of North America, and adhere to and abide by the judgments and decisions thereof—and this pretended willingness, they insist authorizes them to continue the said Alexander Bullions as pastor or minister of the said Associate Congregation of Cambridge, notwithstanding he had been deposed and excommunicated, as herein before stated.

Whereas your Orators charge the contrary of such pretence to be the truth, and they also charge and aver that the said Alexander Bullions has, as your Orators are informed and believe, repeatedly declared in substance and effect, that he would never submit to the authority of the said Associate Presbytery, or would not belong to it one hour even if it should restore him immediately, and such your Orators believe to be the intention and fixed determination of the said Alexander Bullions.

And your Orators also charge, aver and insist that that if the said last mentioned pretence of the said Defendants were true, it could give the Defendants no right or authority whatever to permit the said Alexander Bullions to preach in said church edifice or meeting-house of the said Associate Congregation, or to administer divine ordinances of any description therein, or to appropriate

the property and effects of the said Associate Congregation to the support of the preachings and ministrations of the said Alexander Bullions; that the said sentence of the said Associate Presbytery and said Associate Synod, deposing and excommunicating the said Alexander Bullions, as aforesaid, must be, in due form, legally rescinded, and he restored, or he make confession, and thus be restored to full communion and fellowship with the said Associate Presbytery of Cambridge and said Associate Synod of North America, before he can act as pastor or minister of said Associate Congregation of Cambridge or of any other Congregation of the said Associate Church, and also before he can legally officiate as pastor of said Associate Congregation of Cambridge, he must be reinstalled to the pastoral charge of the same, according to the rules and practice, discipline and government of said Associate Church.

And your Orators, by like leave, further shew, by way of supplement, that they are informed, and believe that, since the filing of the original Bill, that said Defendants pretend that the said decision, deed or decree of the said Associate Synod, affirming the sentence of the said Associate Presbytery of Cambridge, deposing and excommunicating the said Alexander Bullions was not final, but was to be reviewed or further considered at the next succeeding meeting of said Synod, and that the said Alexander Bullions had a right to officiate as minister and pastor in said Associate Church, until the final judgment or decision of the Synod should be had in the premises, notwithstanding the said sentence of deposition and excommunication by the said Associate Presbytery of Cambridge.

Whereas your Orators charge the contrary of such pretence to be the truth, and your Orators expressly charge that the deed, sentence or decree of the said Associate Synod, affirming said sentence of said Associate Presbytery of Cambridge, was final and conclusive and not subject to any review, reconsideration or further consideration, at the instance or motion of either the Defendants or minority of the Court. And the said Associate Synod, at its session held at Pittsburgh aforesaid, on the 22d day of May, 1839, did so adjudge and declare, and did refuse in any manner to modify, reconsider, or further consider its act, adjudication or decree, affirming the said sentence of the said Associate Presbytery of Cambridge, deposing and excommunicating the said Alexander Bullions, and remitting him to the said Associate Presbytery of Cambridge for further dealing and discipline, as herein before stated.

All which actings, doings and pretences of the said Defendants, your Orators averred in their original Bill, and herein aver were and are contrary to equity and good conscience, and tend to the manifest wrong, injury and oppression of your Orators and the other members of the said Associate Congregation who adhere to the principles of faith and practice, discipline and government of the said Associate Church, in the premises.

In tender consideration whereof, and forasmuch as your Orators are remediless in the premises, at and by the direct and stated rules of the common law, and cannot obtain adequate relief save in a Court of equity, where matters of this and the like nature are properly cognizable and relievable.

To the end, therefore, that the said Defendants and their confederates when discovered, may upon their several and respective corporal oaths, full, true, direct and perfect answers make to all and singular, the matters and things in the said Original Bill, and herein before stated and charged as fully and particularly in every respect as if the same were here again repeated, and they thereto severally and specifically interrogated, paragraph by paragraph, and that they so answer not only as to the best and utmost of their several and respective knowledge and remembrance, but also as to the best and utmost of

their several and respective information, hearsay and belief, and that they may answer specifically all and singular the premises aforesaid, with dates, sums, and all attending circumstances.

And your Orators prayed in their original Bill, and herein pray, that the said Defendants, James Coulter, James Shiland, Robert McClelland and Peter Hill, may be compelled by a decree of this Honorable Court, to permit clergymen in good standing and full communion with the said Associate Presbytery of Cambridge and the said Associate Synod of North America, and who adhere to the principles of faith, discipline and government of the said Associate Church, to preach, teach and administer divine ordinances according to the established and received doctrines of the said Associate Church, to the said Associate Congregation of Cambridge in the aforesaid church edifice or meeting house, and to appropriate the funds, property and effects of the said Associate Congregation or Corporation to the support or maintenance of such preaching, teaching and ministration, and to none other. And that they, together with the said Defendant, Alexander Bullions, may be required to come to a full, just and fair accounting of the said property, funds and effects, and of the proceeds and income thereof, since the time of the deposition and excommunication of the said Alexander Bullions—that the said four Trustees, Defendants, be removed from their said office of Trustees, for their misconduct and breach of trust, and that their places be supplied in such manner as this Honorable Court shall direct, and that they the said four Trustees, and each of them be required to deliver to the Trustees thus to be appointed, or to such other person or officers as this Honorable Court shall direct, all and singular, the books, property and effects of said Associate Congregation—and that in the meantime, the said Defendant, Alexander Bullions may be restrained and enjoined by the order and injunction of this Honorable Court from preaching, teaching, or in any manner officiating as pastor or minister in the said church edifice or meeting house of the said Associate Congregation, and from intermeddling in any manner with the temporalities and spiritualities of said Associate Congregation—and that the said four Trustees, Defendants, may in like manner be restrained and enjoined from permitting the said Alexander Bullions to preach, teach, or in any manner administer divine ordinances in said church edifice or meeting house, so as aforesaid belonging to the said Associate Congregation of Cambridge, and from appropriating or in any manner disposing of the funds, property and effects of the said Associate Congregation, for any other purpose or object than that of the support and maintenance of a pastor or minister in regular standing and in full communion with the said Associate Presbytery of Cambridge, subordinate to the said Associate Synod of North America, duly called, sent and inducted as pastor of said Associate Congregation, according to the rules and principles of faith and practice, discipline and government of said Associate Church. And that your Orators may have such further relief or such other and further relief in the premises, as the nature and circumstances of this case may require, and as may be agreeable to equity and good conscience.

May it please your Honor, the premises considered, to grant unto your Orators the People's writ of Injunction, issuing out of and under the seal of this Honorable Court, to be directed to the said Alexander Bullions, James Coulter, James Shiland, Robert McClelland and Peter Hill, their counsellors, attorneys, solicitors and agents, commanding the said Alexander Bullions that he absolutely desist and refrain from preaching, teaching, or in any manner officiating as pastor or minister in the said church edifice or meeting house of the said Associate Congregation of Cambridge, or from intermeddling in any manner

with the temporalities or spiritualities of said Associate Congregation—and commanding the said James Coulter, James Shiland, Robert McClelland and Peter Hill, and each of them, absolutely to desist and refrain from permitting the said Alexander Bullions, or any other minister not in regular standing and full communion with the said Associate Church, and who shall be called to officiate as pastor of said Associate Congregation, according to the rules and principles of faith and practice, discipline and government of said Associate Church, to preach, teach, or in any manner administer divine ordinances in said church edifice or meeting house of the said Associate Congregation of Cambridge, and from appropriating or in any manner disposing of the funds, property or effects of the said Associate Congregation for any other purpose or object whatsoever than that of the support and maintenance of a pastor or minister for said Associate Congregation, in regular standing and full communion with the said Associate Presbytery of Cambridge, and the said Associate Synod of North America—and from preventing or in any manner interfering with the occupation of the said church edifice, by your Orators and the other members of the said Associate Congregation, adhering to the said Associate Presbytery and the said Associate Synod, for the purpose of hearing divine ordinances administered therein, according to the principles of faith and practice, discipline and government of the said Associate Church until the further order of this Honorable Court in the premises.

May it also please your Honor, to grant unto your Orators the People's writ of Subpœna, issuing out of and under the seal of this Honorable Court, to be directed to the said Alexander Bullions, James Coulter, James Shiland, Robert McClelland and Peter Hill, and the Associate Congregation of Cambridge of the County of Washington, and State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, commanding them, and each of them, to appear before your Honor, in this Honorable Court, according to the rules and practice thereof, then and there to answer the premises and to stand to, abide by and perform such order, direction and decree therein, as shall be agreeable to equity and good conscience. And your Orators shall ever pray, &c.

JOHN CRARY, *Solicitor*
For Complainants.
 S. STEVENS, *of Counsel.*

WILLIAM STEVENSON,
 WILLIAM ROBERTSON,
 WILLIAM MCGEOCH,
 EDWARD SMALL,
 JOHN McARTHUR,
 PETER McARTHUR,
 JAMES ARNOT,
 JOHN ROBERTSON,
 THOMAS McMORRIS,
 JAMES HOY.

STATE OF NEW YORK, : On this 22d day of January, 1840, before me,
 Washington County, ss. : personally appeared William Stevenson, William Robertson, William McGeech, Edward Small, John McArthur, Peter McArthur, James Arnot, John Robertson, Thomas McMorris, and James Hoy, ten of the complainants named in the foregoing Bill of complaint, and severally made Oath, that they have severally heard the said Bill of complaint by them subscribed, read, and know the contents thereof, and that the same is true, of their own knowledge, except as to the matters which are therein stated to be on the information or belief of the said complainants, and as to those matters, they believe it to be true.

MARINUS FAIRCHILD,
Examiner in Chancery.

IN CHANCERY:

The joint and several answers and demurrer of the Associate Congregation of Cambridge, of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, who are impleaded with Alexander Bullions, James Coulter, James Shiland, Robert McClelland and Peter Hill, Trustees of the Associate Congregation of Cambridge, Defendants to the original Bill of complaint of William Stevenson, William Robertson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, John Arnott, James Arnott, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster and William Livingston, Complainants. These Defendants, now and at all times forever hereafter saving and reserving to themselves all advantage and benefit of exception to the many errors and imperfections contained in the said bill of complaint of the said Complainants for answer thereto or to as much thereof as they are advised is material for them to make answer, they answering admit, that the Complainants mentioned and named in the said bill of complaint, did on or about the 20th day of March, 1839, file their original Bill in this Honorable Court against the Defendants therein named as stated in said bill of complaint.

And these Defendants further answering admit that the said Defendants having been served with process to appear in said suit, appeared by their solicitor but no copy of the Complainants' bill having been ever served on said Defendants' solicitor, the said Defendants have put in no answer to said original Bill of complaint.

And these Defendants further in answering, say that they have been informed and believe and admit that on the 6th day of April, 1839, leave was granted by this Honorable Court to said Complainants to file a supplemental bill in said cause with leave to insert therein such amendatory matter as they might be advised was material without prejudice to the rights of the said Defendants, or either of them to demur to the said supplemental bill or any matters contained therein if they should be advised so to do in the manner as stated in said bill of complaint.

And these Defendants in further answering said original Bill, say that they admit that in or about the year 1754, the sect or denomination of christians known in common parlance as the Associate Church of North America, but which is now styled and called in the minutes and records of the proceedings of said Church, "The Associate Synod of North America," and according to the principles which originally founded said Church organized as a Church, in the then province of Pennsylvania, under the inspection, superintendence and care of the Associate Synod of Scotland—that said sect had its origin in or about the year 1733 as these Defendants are informed and believe—that it was founded by the Rev. Ebenezer Erskine and three others, who had previously belonged to and formed a part of the Synod of Perth and Sterling of the General Assembly of Scotland—that in consequence of the preaching of a sermon by the said Rev. Mr. Erskine before the said Synod of Perth and Sterling, he was condemned

by said Synod and declared worthy of censure, and because he would not retract by submitting to a rebuke for what he had said, and to an admonition warning him to speak no more, and because he with his three brethren protested against said decision, and appealed to the first enlightened and reformed Synod, they were suspended from the ministry of the Gospel by said Synod—that they continued to preach however under their protest until in December, 1736, they finally founded and formed the said Associate Church under said censure and suspension claiming the right of conscience to judge for themselves as to the justice or right of ecclesiastical censures, and to protest against them and to continue their ministry they were finally deposed by the General Assembly, that this right of protest against the decisions of their ecclesiastical courts has ever been claimed by their followers in Scotland as well as in America, as and is in fact one of the foundation principles of said Church and one of the corner stones of its organization.

And these Defendants insist and aver that one of the main principles established and adopted by the founders of said Church, and which has been ever since received and believed and exercised as such among its members, is that Church courts may be and frequently are fallible, that they have erred and frequently do err, and that their decisions are to be regarded only when they agree with the word of God, and the received and known principles of the Church, and that left to the conscience and sincere belief of the individual passing under their judgment.

And these Defendants further answering said original Bill, admit that the several congregations of said Church at or about the time of said organization in 1754, by the authority of said Synod, constituted and organized a Presbytery, which was styled "The Associate Presbytery of Pennsylvania," and which was then subordinate to the said Associate Synod of Scotland.

And these Defendants further in answering said original Bill, admit that in or about the year 1784, sundry individuals of the town of Cambridge and other adjacent towns in the State of New York, professing the tenets, principles and faith of the said Associate Church, petitioned the said Associate Presbytery of Pennsylvania in the manner and for the objects and purposes stated in said bill of complaint, and that in or about the latter part of the year 1784, pursuant to said petition the Rev. Thomas Beveredge was sent to the said petitioners at Cambridge, and that in the early part of the year 1785, a Congregation was duly organized as a local Church in said town of Cambridge under and subordinate to the said Associate Presbytery according to the principles of said Presbytery, and subject to the discipline and government thereof which said Congregation was called and known by the name and style of the Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania.

And these Defendants further severally answering said original Bill, say that the term "Congregation" means a local Church as used in said Associate Church, but it is not true, that only comprises the persons who are members thereof in full communion, and their children within a particular territory, convenient for the assembling and attending upon divine worship, but are the contrary thereof; the term congregation as used in said Church comprises not only the members of said Church in full communion, but also all other persons statedly attending divine worship within the bounds of said Congregation, and in the church belonging thereto comprehending all legal voters for Trustees within the bounds of said Congregation according to the principles of said Church, and to the provisions of the Revised Statutes, that the term congregation means the members in full communion for the purpose of dis-

pensing and receiving spiritual benefits and privileges of said Church, but for no other purposes whatever.

And these Defendants further in answering said original Bill, admit that in or about the year 1802 the said Associate Presbytery of Pennsylvania was divided into the several Presbyteries mentioned in said bill of complaint, and the several Presbyteries mentioned in said bill of complaint have also since been added thereto at different times, making in all fifteen Presbyteries at the present time and about the same time a Synod was duly organized by the said Associate Church as the visible head and supreme Judicatory of said Church in North America ;—and these Defendants deny that it was stated in said original Bill, that “ although the Associate Presbytery of Pennsylvania, and all so afterwards the Associate Synod of North America had acknowledged ecclesiastical subordination to the Associate Synod in Scotland ; yet in or about the year 1817 this subordination was abolished by deed of the General Associate Synod of Scotland, which deed was acquiesced in by the Associate Synod of North America,” but the whole of said matter is new matter interpolated in said copy of bill of complaint not introduced by way of amendment, but untruly stated to have been contained in said original Bill, and these Defendants neither admit nor deny said matter, nor do they in any manner answer the same. These Defendants admit that all Presbyteries and Congregations are subject and subordinate to the said Associate Synod of North America according to the principles, discipline and government of the said Associate Church, but said Synod only can extend its jurisdiction over members in full communion in said Church, and only over them as they act and make their decisions according to scripture and the well established decisions of the Church, as conscientiously believed by the member or members judged or censured ; and these Defendants further answering said original Bill, admit that at the meeting of the said Synod of North America in May, 1838, the Rev. Thomas Goodwillie and William Pringle were regularly erected by said Synod into the Presbytery of Vermont, in the manner stated in said bill of complaint.

And these Defendants, further answering said original Bill, admit that the said Associate Congregation of Cambridge has belonged to and formed a part of said Associate Presbytery of Cambridge, ever since its organization, and still does belong thereto, and form a part thereof.

And these Defendants, further answering said original Bill, admit that the Judicatories established by said Church, for the purposes mentioned in said Bill of complaint are Sessions, Presbyteries and a Synod, that said Judicatories were established at an early period in the history of the Church in Scotland, and were adopted by said Associate Church in America upon its organization in Pennsylvania—a Session is constituted as stated in said bill of complaint, and has the general superintendence, control and government of the members of the Congregation in full communion with the Church, admits members to the communion with power to call before them and proceed against offending members, and to punish by the censures of the Church, as the case may require, subject to appeal to Presbytery, in no case however has a Session power to deal with its minister, but the Session has no power or control over any of the members of the Congregation, not in full communion, nor has it any control or any thing to do whatever with the temporalities belonging to the Church or Congregation, according to the principles of the said Associate Church.

And these Defendants, further in answering said original Bill, admit that a Presbytery is constituted in the manner stated in said Bill of complaint, and

has the power and jurisdiction, and exercises the duties mentioned, and set forth in said Bill of complaint, except that no Presbytery has power to ordain or settle a minister, until he has been regularly called by the particular Church or Congregation over which he is to preside and officiate, according to the principles of said Church, and no Presbytery has any right or power to proceed to sentence or punish any member when tried, if he protests against and appeals from their decisions or any of them—an appeal, as these Defendants are advised and believe, when made by a party, stays the execution of the sentence appealed from—it stays the judgment and the execution of the judgment—that its operation is to suspend all further proceedings, and in the mean time, the party tried may exercise all his rights, and an appeal cannot be refused without injustice; it is the right of every individual, when brought to trial, but these Defendants insist and aver that it is not necessary to appeal from the decisions of a Presbytery, when its proceedings are entirely null and void, and when not within the rules of discipline and government of said Church, nor are their decisions at all binding upon the individual tried under such circumstances, and these Defendants further insist and aver that no decision of Presbytery is binding upon any individual unless made in accordance with the word of God, and the received and known principles of the Church, and whenever such decisions are contrary to these, it becomes a duty to resist them, and the member or members judged have the right to the free exercise of their consciences on the subject, and a right under a protest to exercise all their privileges and duties, whether ministerial or otherwise, according to the rules of faith, discipline and practice in said Associate Church.

And these Defendants further insist and aver that a declinature, when sent to a Presbytery or other body for proper cause, stays all further proceedings before said Presbytery or other tribunal, and carries the proceedings to a higher judicatory. And these Defendants further insist and aver that although members judged or tried are bound to subject themselves to the judicatories of the Church, yet it is not an absolute subjection that they engage themselves unto—it is not a blind and implicit obedience that they bind themselves unto—but a subjection in the Lord, a subjection qualified and limited by the word of God, and the received and known principles of the Church—that there is a right of protest, if the decision is conscientiously and sincerely believed to be erroneous—and if a minister of the Gospel, has the same right to discharge all the functions of a Gospel minister, as though no such decision had ever been made, according to the rules of faith, discipline and practice in said Associate Church, nor has any Presbytery any control whatever over the temporalities of a Church, nor over any person not in full communion. And these Defendants further, in answering said original Bill, admit that any party feeling himself or herself aggrieved by any sentence or decision of a Presbytery may appeal to the Synod. And these Defendants further admit that a Synod is the Supreme Judicatory of the Church, and is composed and constituted in the manner stated in said bill of complaint, and that said Synod possess and have a right to exercise the several powers stated in said bill of complaint and their decisions are final, so far as they are in accordance with the rules of discipline and government of the Church, and in accordance with the word of God, and no farther; that any person feeling himself aggrieved, may protest against the decision of a Synod, and claim to have such decision reviewed, and may continue his protest to the first free and enlightened Synod, and if said decision is conscientiously believed to be erroneous and unjust, it is not binding upon the conscience of the individual, and he may protest and under said protest may exercise all his functions, ministerial or otherwise, until said sen-

tence is reviewed and reversed according to the principles of said Associate Church. And these Defendants further insist and aver that a Synod has no power or jurisdiction whatever over the temporalities of the Church, nor has it any control or power over any member or person not in full communion with said Church.

And these Defendants further, in answering said original Bill, admit that the Associate Synod of North America is the Supreme Judicatory of the said Associate Church in North America, and that its decisions are obligatory upon all the judicatories, officers, members, and congregations, and are final as far as they are made in conformity to the rules of discipline, and to the principles of said Church, and in accordance with the word of God, but no farther; nor are they obligatory when not so made and when conscientiously believed not to have been so made, as before stated and insisted upon by these Defendants.

And these Defendants, in further answering said original Bill, admit that there are two sentences of excommunication used in the Judicatories of the said Associate Church, one of which is called the lesser and the other the higher sentence—that the effect of the said several sentences of excommunication upon an individual sentenced, is as stated in said bill of complaint—but these Defendants insist and aver that if a minister is in the sincere and conscientious opinion and belief of such minister or any of his Congregation, wrongfully excommunicated, both the minister and his congregation are bound to resist the unjust sentence, and to hold it entirely null and void, according to the principles of said Associate Church.

And these Defendants, in further answering said original Bill, admit that in or about the year 1784, the said Associate Church of North America through the said Associate Presbytery of Pennsylvania, adopted and published a particular statement of their principles in a book commonly called and known as the declaration and testimony of the Associate Church of North America—that those principles are as set out and stated in said bill of complaint, but these Defendants insist and aver that the submission, as mentioned in the ordination vows, is a submission in the Lord; a submission to a Presbytery when it acts uprightly, but when it does not act uprightly, it is the duty of the individual to refuse to submit and to contend against and resist such a judgment, and these Defendants beg leave to refer particularly to said book of declaration and testimony, and to make the same a part of this their answer to said bill of complaint, and on which for greater certainty they rely.

And these Defendants further in answering said original Bill, admit that the principles thus adopted and published by the said Associate Church have ever been and still are the principles of the faith and practice, discipline and government of the said Associate Church, and are obligatory upon every officer and member thereof, subject to the exceptions and explanations heretofore and hereafter given by these Defendants.

And these Defendants in further answering said original Bill, admit that the said Associate Congregation of Cambridge have always since their first organization in the year 1785, been in all respects duly organized as a Congregation or Church, and they were incorporated in the year 1826, though they had once been incorporated previous to that time, and these Defendants are informed and believe, as early as the year 1801 or 1802 but said incorporation had for several years become invalid. And these Defendants admit that as well before as since the incorporation thereof the temporalities of said Congregation (but not of all other Congregations) of said Associate Church were committed to the custody and care of the Trustees elected by the members of

the said Congregation in full communion from among themselves; but these Defendants deny that such was the case, because the principles of said Church or the law required it so to be. On the contrary these Defendants aver and state the fact to be that since the incorporation of the said Associate Church in Cambridge all elections for Trustees to take the care and custody of the temporalities of said Church, have been held in the manner directed by the act of incorporation under the Statutes of this State—that notice has been given from year to year to all qualified voters under the Statute, to attend at the time and place specified in said notice for the holding said annual election, and the vote of no qualified or legal voter has been rejected whether he was a member of said Church in full communion or not. And these Defendants further in answering said original Bill, admit that subsequent to the organization of said Associate Congregation in Cambridge, and prior to the year 1838, the said Congregation acquired by purchase, exchange, donations and subscriptions the real property and estate mentioned and described in the said bill of complaint, but these Defendants would beg leave to refer to the several deeds of conveyance of said real estate, when produced for greater certainty, and these Defendants further say, that all of said real estate was conveyed to the said Congregation for a valuable and pecuniary consideration, as mentioned in the several deeds of conveyance, nor has any part or portion of said real estate been granted or given to the said Congregation upon conditions that the same should be used or kept in any other manner than as the Trustees from time to time might deem proper—that all of said real estate has been purchased absolutely from time to time (except the piece conveyed by William Stevenson and his wife, which was exchanged for a piece of land of about the same size and value, belonging to the said Associate Congregation) without any conditions or restrictions as may appear by the several deeds of conveyance to the said Congregation, and without any covenant or covenants, confining said Trustees to any condition, or claiming a reversion of said real estate or any part thereof to the grantors on failure to comply with any particular covenants or conditions.

And these Defendants in further answering said original Bill, admit that in or about the year 1833, the said Associate Congregation of Cambridge, erected and built upon the real estate so conveyed to them as aforesaid a brick church edifice or meeting house of the value of about nine thousand dollars—that said church was built by subscription principally by most of the members comprising said Associate Congregation, and partly by donations and subscriptions from other sources, but the subscriptions and donations were paid into the hands of the Trustees of said Associate Congregation without any condition or restriction imposed upon them other than the confidence of the donors—that the amount was to be applied for religious purposes, and for the building a church for the benefit of said Congregation in the manner deemed most fit and proper by the said Trustees, and without any express or implied condition that said Trustees or Congregation should remain subject to the said Associate Presbytery of Cambridge farther than they deemed to be just, expedient and proper—that by far the largest portion being at least \$6000, and these Defendants believe more was contributed by the elders, Trustees, and that part of the Congregation who now adhere to the Defendant, Alexander Bullions, and who wish to attend his ministrations, that this number consists of about three hundred and forty, comprising five, being all of the elders of the said Church, the six Trustees, and two hundred and twenty-one communicants, that the minority of said Church consists of the Complainants only and a portion of their families, except one or two, comprising not more than sixty communicants, and not exceeding seventy-five in all; and these Defendants some of them expressed

a willingness to the said Complainants before the commencement of this suit, and offered to pay them their share or part of said Church, or the part and share which they subscribed towards the erection of said Church, or to pay them in proportion to their numbers, but two of the members of said Congregation, to wit : George Lourie and James Shiland received for answer from some of said minority, that they would have the whole or nothing. And these Defendants for themselves and those with whom they are impleaded, now hereby offer again to pay said minority the amount of their subscription, or in proportion to their number or in any other way that shall be deemed just and equitable by this Honorable Court,—but these Defendants insist that said Complainants in such an event should be required to pay these Defendants costs in this behalf most wrongfully and unnecessarily sustained.

And these Defendants further in answering said original Bill, deny that the said Associate Congregation of Cambridge, previous to the first day of June, 1838, or at any other time, erected and built upon the said premises the necessary sheds and out houses for the accommodation of the members of the said Associate Congregation, and other persons attending divine worship at said Church edifice that the words “and individual members” were not in the original bill, and have been interpolated in the copy of the supplemental and original Bill served on these Defendants’ solscitor; but on the contrary, these Defendants aver and state the fact to be, that all the sheds mentioned in the said bill of complaint, were erected by private individuals and are now the property of said individuals.

And these Defendants admit that previous to the first day of June, 1838 the said Associate Congregation erected and built upon the premises aforesaid a suitable dwelling house with the necessary out buildings connected therewith, for the use and occupation of the pastor or minister of the said Associate Congregation of Cambridge.

And these Defendants in further answering said original Bill, admit that the value of the real estate so conveyed to the Congregation as aforesaid with the church edifice and other buildings erected thereon is now of about the value of thirteen thousand dollars. And these Defendants in further answering said bill, say that the library mentioned in said bill of complaint was purchased and procured by private subscription of members of the said Congregation and not from the funds thereof as stated in said bill, and these Defendants are informed and believe and admit that the furniture for the church, and the pulpit, and fire wood for the use of the meeting house have been procured by the said Congregation, and that the value of the same including the said library is about the sum of four hundred dollars as near as these Defendants can estimate the same.

And these Defendants, in further answering said original Bill, say that all the property, real and personal, except as before stated and insisted, has been and still is held by the Trustees of said Congregation in trust for the sole and only and exclusive purpose of being devoted solely and exclusively to the support and maintenance of the preaching and teaching the Gospel and the administration of divine ordinances in said Associate Congregation, according to the principles of faith, practice, discipline and government of said Associate Church of North America, according to which principles no minister who is under rightful sentence of excommunication, can be permitted to occupy the pulpit or administer divine ordinances in said Associate Congregation—but these Defendants insist and aver that, if any minister is not righteously deposed and excommunicated, or if his Congregation or a majority of them believe the same, he or they have the right to protest and decline submitting to said sentence—to hold the same null and void until it is reversed,

and to continue to preach as a minister—that it is the right and the duty of both minister and people so to do; that it is a right they derive from the very foundation and constitution of their Church, and the Congregation possess the equal right to attend upon the ministrations of such a minister without being sinful in the sight of God, as these Defendants sincerely and conscientiously believe, and these Defendants further claim and insist that a majority of the Congregation has, at all times, the right to choose and select their own minister, and to enjoy his preaching as long as he does not depart materially from the standards of faith and practice of the said Associate Church, in the opinion and conscientious belief of preacher and hearer, and the hearers can hear and attend upon the ministrations of a minister wrongfully excommunicated in their opinion and belief without a violation of the solemn vows, or any of them which they took upon them, when they became members of said Associate Church, and it is their privileges and duty so to do; that the fathers and founders of the Church did the same, and founded the Church upon those principles, preaching themselves under sentence of deposition and excommunication, and such principles have been ever since adhered to by said Associate Church.

And these Defendants, further in answering said original Bill, admit that on or about the 21st day of November, 1826, the said Associate Congregation of Cambridge was duly incorporated in the manner and under the name and style set forth in said Bill of complaint, and that six Trustees of said Congregation were duly elected, as also set forth in said Bill of complaint, agreeably to the Laws of this State, and the said act of incorporation—that the Trustees have been divided into three classes, and one third thereof elected yearly and every year since the incorporation of said Associate Congregation, and these Defendants further say that the last election of Trustees was regularly held in January last, and that the names of the Trustees now are the Defendants—James Coulter, James Shiland, Robert McClellan, Peter Hill, James T. Green and James Wood, all of whom adhere to the Defendant Alexander Bullions, and are anxious to attend upon his ministrations.

And these Defendants, in further answering said original Bill, admit that the Trustees of any Congregation, as such alone have no power to call, or in any manner, to obtain or procure a minister to preach or officiate in such Congregation, that a Clergyman or Pastor is called in the manner and form stated in said Bill of complaint, but these Defendants insist and aver that no Presbytery or Synod can impose or send any minister to preach in any Congregation without the consent and approbation of said Congregation, nor have the Presbytery the right to refuse to sanction a call duly made by the Congregation without the strongest and most justifiable reasons—a Congregation being considered in all things to have the right and power to choose their own minister, and the sanction by Presbytery being considered matter of form, and of course when the Congregation have expressed their wishes to the calling of any particular minister; and these Defendants further say that it is not true that the Session or Congregation have no power to supply the pulpit of any Congregation, permanently, temporarily or otherwise, but on the contrary the Session or Congregation may not only invite a minister in good standing and full communion with said Associate Church to preach in said Congregation for one or two Sabbaths, as the exigencies of said Congregation may require, but said Session or Congregation may invite such minister to preach from Sabbath to Sabbath as long as they shall judge it to be expedient and proper, and nobody but the Congregation and Session can permit any minister to occupy the pulpit of said Congregation, according to the principles of said Associate Church.

And these Defendants, in further answering said original Bill, admit that the Defendant Alexander Bullions was, in or about the year 1808, called by the said Associate Congregation of Cambridge, in the manner stated in said Bill, that said call was in writing, and is in the possession of Dr. Bullions, and is as stated in said Bill of complaint substantially.

And these Defendants, in further answering said original Bill, admit that said call was delivered to, and received and accepted by the said Alexander Bullions, in the manner set forth in said Bill of complaint, and such proceedings were thereupon had that the said Alexander Bullions was ordained and installed as the pastor of said Associate Congregation of Cambridge, and on such ordination or installation one of his vows was in answering affirmatively the question contained in the copy of said Bill, as last served on the Solicitor of these Defendants, and not the question contained in said original Bill, as is most untruly pretended in said last copy, that the following words were omitted in said original Bill, and are now interpolated in said last copy, containing the supplemental and amended bill, without being introduced by way of amendment, to wit: "Remembering that, while they act uprightly, they judge not for men but for the Lord who is also with them in the judgment;" that the matter, thus omitted in said original Bill, forms a very material part of said article in the opinion and belief of most ministers of said Associate Church, as the Defendants verily believe, and in the opinion and belief of these Defendants, and fully confirm to them the privilege of protesting against and refusing to submit to any judgment of Presbytery or Synod, which is not upright and in accordance with the word of God, and which they do not conscientiously believe to be upright and righteous.

And these Defendants, in further answering said original Bill, admit that the said Alexander Bullions continued to be the pastor of said Associate Congregation of Cambridge under the authority and government of the Associate Presbytery of Cambridge, until April, 1838, but these Defendants deny that the said Alexander Bullions was guilty of a series of delinquencies and misconduct on his part, at any time, although these Defendants cannot be more explicit in their denial of said charges, contained in said original Bill for want of particular specification of the nature and character of said delinquencies and misconduct; yet these Defendants aver that the whole alleged offence, for which the said Alexander Bullions was suspended, is contained in the following extract from the minutes of the Associate Presbytery of Cambridge,—
"Extracts from the minutes of Presbytery of Cambridge, at Argyle, Oct. 5, 1837."

"Dr. Bullions having in his remarks insinuated that some member or members present were unfit to sit in any Court, it was on motion Resolved, that he be required to give the names. Dr. Bullions refused to give the names by denying his former words, and in his remarks said, Presbytery might censure till they were tired. It was on motion, Resolved that Dr. B. be censured for contempt of Court in the above slanderous insinuation and expression. On motion, resolved that the censure due Dr. B. be a rebuke. Dr. B. entered his protest against the minutes recording his expression and appealed to Synod—protest not admitted. He then protested against not admitting his protest—this protest was admitted. Proceeded to inflict the censure voted to Dr. B. He refused to submit, protested and appealed to Synod—protest not admitted. He then protested against the rejection of this protest, and appealed to Synod, which was admitted. It was then on motion resolved that he be suspended from the exercise of his ministry and the communion of the Church till he give evidence of his repentance for contumacy. Dr. B. protested against this

decision and appealed—protest not admitted. He then protested against the rejection of this protest and appealed—this protest was admitted.”

“A true extract, attested by

D. GORDON, *Clerk Presbytery.*

And these Defendants further say that the proceedings of said Presbytery in said suspension were wholly illegal, not according to the rules of the Church nor the word of God; unrighteous, precipitate and void; that two of the complainants, John Robertson and William Stevenson, as these Defendants are informed and believe, at the time they were had, declared them so, that the said John Robertson publicly said that Presbytery went on faster than he himself could think; that their proceedings were precipitate, illegal and unjust, and the said William Stevenson declared in substance the same thing. And these Defendants further say that said proceedings of said Presbytery having been wholly illegal and void in the belief of these Defendants, these Defendants were not bound thereby, and the said Alexander Bullions under his protest and appeal as well as on the ground that said proceedings were void in his opinion and belief had the full right to continue his ministry over said Associate Congregation of Cambridge. And these Defendants further say that said suspension, on the 5th of October, 1837, was followed up by the sentence of deposition and excommunication on the 12th day of April, 1838, as contained in said bill of complaint, but said sentence was altogether illegal, unrighteous and void—that the said Presbytery was not legally constituted—that four members had been improperly and illegally excluded from seats in its deliberations—that members set in Presbytery against the said Alexander Bullions, who were his accusers, and witnesses against him—that the said Alexander Bullions on the 7th day of February had sent in a declinature to the authority of said Presbytery, as he avers, and as the other Defendants are informed and believe, which he had a perfect right to do and which removed all proceedings from before them—that the said Alexander Bullions was not present at the meeting of Presbytery on the 12th April, 1838, or at the meeting at all, and was deposed from the ministry during his absence, against the established principles and law of the Associate Church, which is that no Presbytery, unless it be a supreme court, possess the power to depose a minister of the Gospel in his absence, as these Defendants are informed, advised and believe—that the said Alexander Bullions was not properly and legally notified and cited to appear before said Presbytery—that a minority of said Presbytery assumed to act, and that the whole proceedings of said Presbytery were unrighteous, illegal and void in the opinion and belief of these Defendants. And the Defendant, Alexander Bullions duly appealed from the proceedings and sentence of said Presbytery to the Associate Synod of North America. And these Defendants insist and aver further, that if no appeal had been regularly taken to the doings of said Presbytery, in said sentences of suspension, deposition and excommunication, none was necessary, as the whole proceedings were null and void in the opinion and belief of these Defendants. And these Defendants, in the conscientious belief that they were so, had the full right to continue the said Alexander Bullions as their minister, and he had the full right to continue to officiate as the minister of said Congregation, agreeably to the principles of faith and practice of the said Associate Church and of the said Associate Congregation of Cambridge. And these Defendants, in further answering said original Bill, admit that the said Alexander Bullions has not, at any time, since the said deposition and excommunication, made submission to the said Presbytery for the reason that he holds said proceedings null and void, as do these Defendants, and these Defendants admit

that the said Alexander Bullions appealed therefrom to the said Associate Synod of North America, who had full power and jurisdiction to hear said appeal, and who affirmed the decisions of said Presbytery, after hearing the parties, but not on full proof, but at a small meeting of Synod only 46 members being present; that a protest was entered upon the minutes of Synod, signed by several of the ministerial members, and a protest was also entered upon the minutes by Dr. Bullions, claiming that the whole proceedings were null and void till reviewed and reversed, and that the said Alexander Bullions claimed all his rights as a minister of the Gospel, and should discharge all the functions of the Gospel minister, although no such act had been passed, which said protest these Defendants are ready to produce and prove whenever this Honorable Court shall direct, and under which they insist and aver that the said Alexander Bullions has the right to exercise his ministerial functions, and thus preserve the rules of discipline of the Associate Church unimpaired.

And these Defendants further admit that the said Alexander Bullions was remitted to the said Associate Presbytery of Cambridge, and that he has declined to appear before said Presbytery for the reasons herein before stated—that he holds the whole proceedings null and void, and conscientiously believes them so to be, as he avers, and as the other Defendants, herein named, verily believe, and the said Alexander Bullions does persist in preaching and in exercising the office of the ministry over said Associate Congregation of Cambridge, for the reasons before stated, and not in defiance and contempt of the said Associate Presbytery of Cambridge and said Associate Synod of North America, that he continues to preach as he conscientiously believes he has the right to do under the rules of discipline, faith and practice of said Associate Church, and in compliance with the wishes and desires of four fifths of the said Associate Congregation of Cambridge, and these Defendants claim, say and insist, as members of the said Associate Congregation of Cambridge, four fifths of whom agree with these Defendants, as they are informed by them and believe—that the said Defendants, including the said Alexander Bullions, have the right, under the constitution and origin of said church, to protest against said decision, to refuse to submit to them, and to hold them null and void, if they conscientiously believe them to be unjust and unrighteous, as these Defendants conscientiously and sincerely do,—that these Defendants and the other members of said Congregation, who adhere to Dr. Bullions, have not departed in faith, practice or discipline from the principles of the said Associate Church, nor does Dr. Bullions preach a different Gospel or different doctrines from those which he has preached and practiced for the last thirty years and ever since his settlement over said Congregation, that he is deposed for no error in doctrine, faith or practice, but for refusing to submit to a rebuke for an insinuation and for contumacy in insisting on his constitutional rights of an appeal from said sentence of rebuke to a superior Judicatory.

And these Defendants, in further answering said original Bill, admit that the office of pastor of said Associate Congregation of Cambridge was formally declared vacant by the Associate Presbytery of Cambridge, and that deed confirmed by the said Associate Synod of North America, in the manner stated in said Bill of complaint, but these Defendants insist and aver that the said Presbytery or Synod had no power or right under the circumstances to declare said Congregation vacant without their consent, and these Defendants claim that said proceedings are wholly null and void.

And these Defendants further admit, that the Synod appointed the said Alexander T. McGill and the Rev. Joseph McKie, as Commissioners to labor in said Associate Congregation of Cambridge, in the manner and for the

purposes stated in said original bill of complaint, and that the said Commissioners appeared and attended at Cambridge at the time and place mentioned in said bill of complaint, and these Defendants further admit that they were notified that the said Alexander Bullions had been suspended, deposed and excommunicated, and the Congregation declared vacant, and that said Commissioners had been sent by the said Synod for the purposes mentioned in said bill, and these Defendants admit that they shut the doors of said church against the said Commissioners and refused to permit them to enter the said church; but these Defendants aver that it is positively and unequivocally untrue that they shut the doors of said church at the instigation and request of the said Alexander Bullions, but on the contrary thereof these Defendants insist, state and aver, that they refused to permit the said Commissioners to enter said church to occupy the pulpit and to preach or administer divine ordinances therein under the express vote and direction of the said Associate Congregation of Cambridge, four fifths of whom so voted and directed the Trustees. And these Defendants further aver and insist that the said Associate Synod of North America had no right or power to send Commissioners to preach in the said Associate Congregation of Cambridge without their consent, and these Defendants verily believe the said Trustees would have been guilty of a breach of trust if they had permitted the said Commissioners to enter said pulpit contrary to the wishes, and against the express directions of said Associate Congregation of Cambridge, and these Defendants admit that the said Trustees have permitted the said Alexander Bullions to occupy the pulpit and officiate as pastor and minister in said church edifice or meeting house of said Associate Congregation of Cambridge, and sustain, uphold and support him therein in common with the elders, trustees and four-fifths of the said Congregation under their solemn vote, and that the Trustees in so doing have only acted in obedience to the wishes and direction of the said Congregation, that these Defendants are informed and believe that the said Trustees are only in possession of two of the books belonging to said Congregation, and no papers except two of the deeds mentioned in said bill of complaint belonging to the said Congregation—the other books and papers including the Common Seal of said corporation being in the possession of William Stevenson, one of the Complainants who claims to hold the same, and utterly refuses to deliver them up to the regularly and legally elected Trustees of said Congregation, as these Defendants are informed and believe, and these Defendants pray that he may be compelled to restore said corporate property to the Trustees of said Congregation by a decree of this Honorable Court, and these Defendants further admit that the said Trustees have rented the pews of said meeting house in the usual ordinary way for a period of five years, that said pews were rented five years previous to the first day of January, 1839, for a period of five years pursuant to the terms of sale—that at the expiration of the said term of five years the said Trustees by the vote and direction of said congregation, and in the usual manner caused public notice to be given, that the said pews would be sold for another period of five years at the church edifice on the first day of January, 1839—that on the day appointed the said pews were sold at public auction in the usual manner to the highest bidder—all persons having the right to be present and bid who were so disposed, and these defendants further aver that the said Trustees did not sell said pews to the exclusion of the said Complainants, or any other person whomsoever—that said Complainants or any member of said Congregation, or any other person might have been present, and bid and purchased pews if they had felt disposed—the sale being an open, public and fair one—that these Defendants are informed and believe that

said Complainants knew of said sale—that one if not more of them was present at said sale—that they had a meeting on the day of sale near said church edifice, but did not generally attend said sale nor purchase any pews.

And these Defendants further aver that the said Trustees do indeed, in obedience to their trust, claim to hold and control, and take care of and preserve said real and personal property belonging to said Associate Congregation of Cambridge; but these Defendants aver and insist that the said Trustees do not claim any other control over said property than they are authorized and required to exercise, by said Associate Congregation, and by the laws of this State—that they do not pervert the funds of said Congregation from their appropriate uses and purposes, but on the contrary, they apply said funds, or did apply them until the injunction in this cause, according to the directions of said Congregation, and in support of a minister who ministers according to the principles of faith and practice of the said Associate Church; and there are no funds except the property in possession of Dr. Bullions, nor have they the said Trustees appropriated any funds of the said Congregation to his support since the injunction in this cause.

And these Defendants deny that either they or the said Trustees have ever excluded except in the case of the two commissioners, as before stated, or that they persist in excluding clergymen of regular standing, in full communion with said Associate Church and Congregation from preaching and administering divine ordinances in said church edifice, but on the contrary thereof, several ministers in full communion with said Church, have preached in said church edifice during the two past years, and since said supposed deposition of said Alexander Bullions, and these Defendants have admitted, and are willing to admit in said pulpit of said church edifice, ministers in regular standing in said Church, except the two commissioners as before stated. And these Defendants deny that they have excluded, or do exclude the said complainants, or any other members of said Congregation from said church edifice, unless they will consent to hear a deposed and excommunicated minister, or that they have excluded or do exclude said Complainants, or any other member of said Congregation from said church edifice in any way or manner whatever.

And these Defendants in further answering said original Bill, admit that the Defendants, James Coulter, James Shiland, Robert McClelland and Peter Hill, together with William Stevenson and William Robertson, two of the complainants were, until the first day of April, 1839, the Trustees of said Associate Congregation of Cambridge, but that James Green was duly elected to fill the place of William Robertson, whose seat became vacant by expiration of his term of office on the first day of April, 1839, and was duly qualified and took his seat at the time as such Trustee, and that James Woods was duly elected at the last annual election, to fill the place of William Stevenson, whose seat became vacant by the expiration of his term, on the first day of April, 1840, who took his seat on that day as such Trustee—that the six Trustees of said Associate Congregation of Cambridge are the four Defendants first above named and the said James Green and James Woods, all of whom adhere to the said Alexander Bullions, and wish to attend his ministry. And these Defendants, the said Associate Congregation, deny that they have ever been applied to in a friendly manner to exclude the said Alexander Bullions from the said church edifice, in the manner stated in said original Bill of complaint, or to permit other ministers to preach therein, or to permit the complainants and their associates to occupy said church edifice in the manner stated in said original Bill of complaint; but these Defendants admit that they have been requested by said complainants, on behalf of themselves and their

associates to comply with the requisitions above and in said Bill of complaint specified, in any other than a friendly manner, and that they have declined to comply with the requirements for the reasons herein before and hereinafter stated—and these Defendants aver, maintain and insist that the said Trustees have the full right in the execution of their trust, to employ and permit the said Alexander Bullions to preach in said church edifice, and to administer divine ordinances therein while a large majority of said Congregation being four fifths thereof, request and require the said Trustees so to do, as said Congregation have the sole right to employ such minister as they choose, when he does not materially vary from the standards of faith and practice in said Church, as Dr. Bullions does not, and these Defendants do not pretend nor claim to have the right, or that the said Trustees have the right to appropriate the property and effects of said Congregation to any other use than it was originally intended, and these Defendants do not appropriate them to any other use than to the support of a minister adhering to the principles of faith and practice of the said Associate Church, in the free exercise of his privileges and rights of conscience as before fully stated and set forth:

And these Defendants further insist upon, aver and maintain that the said Alexander Bullions on the third day of July, 1838, was after being subjected to certain discipline, regularly admitted a member of the Presbytery of Vermont, of which he now is a regular member, and as such a member of the Associate Synod of North America—that said Associate Presbytery of Vermont had full power and authority to admit the said Alexander Bullions as a member thereof, notwithstanding he resided within the limits of the Presbytery of Cambridge—that the fact of the said Thomas Goodwillie having once been a brother-in-law of the said Alexander Bullions, and of the said Mr. Pringle being the son-in-law of the said Alexander Bullions did not disqualify them or either of them from acting as members of said Presbytery according to the principles of said Associate Church—that they were unjustly, illegally and improperly prevented from acting while members of the Associate Presbytery of Cambridge, agreeably to the rules of discipline and practice of said Associate Church, as stated in said original bill of complaint.

And these Defendants further in answering as to the pretences in said original Bill and the charges grounded thereon, say that they do not pretend that the said Alexander Bullions is willing to submit to the decisions of the Associate Presbytery of Cambridge and the Associate Synod of North America in their present unrighteous and illegal form, but the said Alexander Bullions claims and insists, and these Defendants claim and insist that he has a right to hold said decisions null and void, and to continue his ministry under his protest until said unrighteous decisions are reviewed and reversed, if the said Alexander Bullions in his conscience believes them unrighteous, and if these Defendants believe them to be so, according to the principles of faith, practice and discipline in the said Associate Church—that the said Alexander Bullions is willing to submit in all things to the decisions of said Presbytery when legally and righteously made—but these Defendants are informed and believe and therefore charge the fact to be, that the said Alexander Bullions did say to the best of his recollection and belief, that he would not belong to said Presbytery one hour even if they would restore him immediately, and that the said Alexander Bullions has said he had no desire to belong to said Presbytery of Cambridge, so long as their decisions continued to be contrary to the principles of faith and practice in the Church, and to the word of God.

And these Defendants, in further answering the charges grounded on said pretences, insist upon, claim and aver and maintain that the said Alexander

Bullions has the full right to exercise his ministerial functions, as he is now doing under his protest, notwithstanding the decisions of the said Presbytery and Synod, provided he conscientiously believes said decisions to be unrighteous and unjust, and contrary to the rules of faith, discipline and practice of the said Associate Church; and these Defendants do conscientiously believe said decisions to be unjust and unrighteous and that they have the full right in accordance with the principles of said Associate Church, to hear him preach and to appropriate the property and effects of said Associate Congregation of Cambridge, nor is it necessary, in order to entitle the said Alexander Bullions to preach, that the said decisions of Presbytery and Synod be rescinded, and he formally restored and reinstated in the manner stated in the charges in said bill of complaint, according to the rules and practice, discipline and government of said Associate Church.

And these Defendants further insist, aver and maintain that by the laws of the land, each christian Congregation has the right to select and choose its own minister and to elect its own Trustees to take the care and custody of the temporalities of the Church; and that a large majority, being at least four fifths of the said Associate Congregation of Cambridge, have directed and do direct the said Trustees to continue the said Alexander Bullions as their minister—and these Defendants insist upon and contend, so long as a majority of said Associate Congregation are in favor of the said Alexander Bullions, and desire to attend upon his ministrations, he cannot by the laws of the land be ousted from said Church, or lawfully enjoined from preaching therein in consequence of the unrighteous decisions of any ecclesiastical court or tribunal. And these Defendants deny all unlawful combination and confederacy in the said Bill charged without that—that any other matter or thing in the said original Bill not herein and hereby well and sufficiently answered unto, confessed, avoided, traversed or denied, is true to the knowledge and belief of these Defendants.

And these Defendants cannot affix the corporate seal of the Congregation to this their answer, for the reason that the same is in the possession and control of William Stevenson, one of the Complainants in this cause—all of which matters and things these Defendants are ready to aver, and maintain and prove as this Honorable Court shall direct.

And these Defendants, the said Associate Congregation, as to the said supplemental Bill, and the amendments incorporated therewith, filed by the said Complainants—by protestation, and not confessing all or any of the matters and things in the said supplemental Bill contained to be true, in such manner and form as the same are therein set forth and alleged, do demur to the said supplemental bill, and for cause of demurrer, shew to this Honorable Court that the said Complainants have not by their said supplemental bill, made such a case as will entitle them to any relief in a court of equity against these Defendants—as to the matters contained in said supplemental bill to which they the said Complainants would not have been entitled by their said original Bill herein before answered unto by these Defendants, and that the matters contained in said supplemental bill do not add to or strengthen the claim of said Complainants set up, charged and put forth in their said original Bill, or form any additional ground for relief in behalf of said Complainants against these Defendants, or the other Defendants named in said original bill of complaint. And that any answer made by these Defendants touching the matters contained in said supplemental bill, or any of them, cannot be of any avail to the said Complainants for any of the purposes sought, nor do said matters contained in said supplemental bill entitle the said Complainants to any relief in this court,

to which they would not be entitled by their said original Bill, if they are entitled to any relief at all. Wherefore, and for divers other good cause of demurrer appearing in the said bill, these Defendants do demur thereto, and they pray the judgment of this Honorable Court whether they shall be compelled to make any other or further answer to the said supplemental bill—and they humbly pray to be dismissed from hence, with their reasonable costs and charges in this behalf most wrongfully sustained.

B. BLAIR, *Solicitor*
For Defendants.

C. L. ALLEN, of Counsel.

JAMES SHILAND, *Clerk of the*
Board of Trustees of the Associate Congre-
gation of Cambridge.

GEORGE LOURIE, *Clerk of the*
Sessions of Associate Congregation of Cam-
bridge.

STATE OF NEW YORK, : James Shiland and George Lourie, of the town
Washington County, ss. : of Jackson, in the County of Washington, being
duly sworn, say that he the said James Shiland now is and for some years
past has been the Clerk of the Trustees of the corporation known as the As-
sociate Congregation of Cambridge, mentioned in the foregoing answer, and
that the said George now is, and has been for several years, Clerk of the Ses-
sions of said Congregation, that by means of the said offices of Clerks, they
have acquired and possess as they verily believe, as great or greater and more
particular knowledge of and relating to the matters of the said answer and the
facts therein stated, than any other member of said Congregation, that they
have heard read the said answer subscribed by them, and that the same is
true of their own knowledge, except as to the matters therein stated to be on
the information and belief of the Defendants, and as to those matters they
have been so informed, and believe it to be true.

Sworn this 21st day of April, }
1840, before me, }

GEORGE LOURIE,
JAMES SHILAND.

KIRTLAND WARNER, *Commissioner of Deeds.*

IN CHANCERY:

The joint, several and separate answers of Alexander Bullions, James Coulter, James Shiland, Robert McClelland and Peter Hill, Trustees of the Associate Congregation, who are impleaded with the Associate Congregation of Cambridge, of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, Defendants to the bill of complaint of William Stevenson, William Robertson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, John Arnot, James Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster, and William Livingston, Complainants.

These Defendants now and at all times forever hereafter, saving and reserving to themselves all advantage and benefit of exception to the many errors and imperfections contained in the said bill of complaint of the said Complainants, for answer thereto, or to as much thereof as they are advised is material for them to make answer, they answering admit, that the Complainants mentioned and named in the said bill of complaint, did, on or about the 20th day of March, 1839 file their original Bill in this Honorable Court against the Defendants therein named as stated in said bill of complaint. And these De-

defendants further answering admit, that the said Defendants having being served with process to appear in said suit, appeared by their solicitor, but no copy of the said Complainants' bill having been ever served on said Defendant's solicitor, the said Defendants have put in no answer to said original Bill of complaint. And these Defendants further answering, say they have been informed and believe and admit, that on the 6th day of August, 1839, leave was granted by this Honorable Court to said Complainants to file a supplemental bill in said cause, with leave to insert therein such amendatory matter as they might be advised was material, without prejudice to the rights of the said Defendants, or either of them to demur to the supplemental bill or any matters contained therein, if they should be advised so to do, in the manner as stated in said bill of complaint. And these Defendants in further answering said original Bill say, that they admit, that in or about the year 1754 the sect or denomination of christians known in common parlance as the Associate Church of North America, but which is now styled and called in the minutes and records of the proceedings of said church, the Associate Synod of North America, was in all due form and according to the principles which originally founded said Church, organized as a Church in the then province of Pennsylvania under the inspection, superintendence and care of the Associate Synod of Scotland—that said sect had its origin in or about the year 1733 as these Defendants are informed and believe—that it was founded by the Rev. Ebenezer Erskine and three others who had previously belonged to and formed a part of the Synod of Perth and Sterling of the General Assembly of Scotland—that in consequence of the preaching of a sermon by the said Rev. Mr. Erskine before the said Synod of Perth and Sterling, he was condemned by said Synod and declared worthy of censure, and because he would not retract by submitting to a rebuke, for what he had said, and to an admonition warning him to speak so no more, and because he with his three brethren protested against said decision, and appealed to the first enlightened and reformed Synod, they were suspended from the ministry of the Gospel by said Synod—that they continued to preach however under their protest until in December, 1736, they finally founded and formed the said Associate Church under said censure and suspension, claiming the right of conscience to judge for themselves as to the justice or right of ecclesiastical censures, and to protest against them, and to continue their ministry, they were finally deposed by the General Assembly—that this right of protest against the decisions of their ecclesiastical courts has ever been claimed by their followers in Scotland as well as in America as and is in fact, one of the foundation principles of said Church, one of the corner stones of its organization. And these Defendants insist and aver, that one of the main principles established and adopted by the founders of said Church, and which has been ever since received and believed and exercised, and still is received and believed and exercised as such among its members is that church courts may be and frequently are fallible, that they have erred, and frequently do err, and that their decisions are to be regarded only when they agree with the word of God, and the received and known principles of the Church, and that left to the conscience and sincere belief of the individual passing under their judgment.

And these Defendants further answering said original Bill admit, that the several Congregations of said Church, at or about the time of said organization in 1754, by the authority of the said Synod, constituted and organized a Presbytery which was styled "the Associate Presbytery of Pennsylvania, and which was then subordinate to the said Associate Synod of Scotland. And these Defendants further in answering said original Bill admit, that in or about

the year 1784, sundry individuals of the town of Cambridge and other adjacent towns in the State of New York, professing the tenets, principles and faith of the said Associate Church, petitioned the said Associate Presbytery of Pennsylvania, in the manner and for the objects and purposes stated in said bill of complaint, and that in or about the latter part of the year 1784, pursuant to said petition, the Rev. Thomas Beveridge was sent to the said petitioners at Cambridge, and that in the early part of the year 1785, a congregation was duly organized as a local Church in the said town of Cambridge, under and subordinate to the said Associate Presbytery, according to the principles of said Presbytery, and subject to the discipline and government thereof, which said Congregation was called and known by the name and style of the Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania. And these Defendants further and severally answering said original Bill say, that the term "Congregation" means a local Church, as used in said Associate Church, but it is not true that it only comprises the persons who are members thereof, in full communion, and their children, within a particular territory convenient for the assembling and attending upon divine worship, but on the contrary thereof, the term Congregation as used in said Church, comprises not only the members of said church in full communion, but also all other persons steadily attending divine worship within the bounds of said Congregation, and in the church belonging thereto, comprehending all legal voters for Trustees within the bounds of said Congregation, according to the principles of said Church and to the provisions of the revised statutes, that the term Congregation means the members in full communion for the purpose of dispensing and receiving the spiritual benefits and privileges of said Church, but for no other purpose whatever.

And these Defendants further in answering said original Bill admit, that in or about the year 1802, the said Associate Presbytery of Pennsylvania was divided into the several Presbyteries mentioned and described in said bill of complaint, and the several Presbyteries mentioned in said bill of complaint, have also since been added thereto at different times, making in all fifteen Presbyteries at the present time, and about the same time a Synod was duly organized by the said Associate Church as the visible head and Supreme Judicatory of said Church in North America. And these Defendants deny that it was stated in said original Bill that "although the Associate Presbytery of Pennsylvania, and also afterwards the Associate Synod of North America had acknowledged ecclesiastical subordination to the Associate Synod of Scotland, yet in or about the year 1817, this subordination was abolished by deed of the General Associate Synod of Scotland, which deed was acquiesced in by the Associate Synod of North America." But the whole of said matter is new matter, interpolated in said copy of bill of complaint, not introduced by way of amendment, but untruly stated to have been contained in said original bill, and these Defendants neither admit nor deny said matter, nor do they in any manner answer the same. These Defendants admit, that all Presbyteries and Congregations are subordinate and subject to the said Associate Synod of North America, according to the principles, discipline and government of the said Associate Church, but said Synod only can extend its jurisdiction over members in full communion in said Church, and only over them, as they act and make their decisions according to scripture and the well established decisions of the Church, as conscientiously believed by the member or members judged or censured.

And these Defendants further answering said original bill admit, that at the meeting of the said Synod of North America, in May 1838, the Rev. Thom-

as Goodwillie and the Rev. William Pringle were regularly erected by said Synod into the Presbytery of Vermont, in the manner stated in said bill of complaint. And these Defendants further answering said original Bill admit, that the said Associate Congregation of Cambridge, has belonged to and formed a part of said Associate Presbytery of Cambridge ever since its organization, and still does belong thereto and form a part thereof. And these Defendants further answering said original Bill admit, that the judicatories established by said Church for the purposes mentioned in said bill of complaint, are Sessions, Presbyteries, and a Synod; that said judicatories were established at an early period of the history of the Church in Scotland, and were adopted by said Associate Church in America, upon its organization in Pennsylvania.

A Session is constituted as stated in said bill of complaint, and has the general superintendence, control and government of the members of the Congregation, in full communion with the Church, admits members to the communion, with power to call before them and proceed against offending members, and to punish by the censures of the Church, as the case may require, subject to appeal to Presbytery—in no case however has a Session power to deal with its minister. But a Session has no power or control over any of the members of the Congregation not in full communion, nor has it any control or any thing to do whatever with the temporalities belonging to the Church or Congregation.

And these Defendants further in answering to the first amendment to said original Bill, subject to the objection of these Defendants hereinafter mentioned, and without waiving said objection or their rights under it, they answer and say that it is wholly and entirely untrue, that a Session has the power and authority to suspend any of the members of a Church or Congregation from the communion, or any other privileges as members of such Church upon the charges mentioned in said bill of complaint, or any of them, until a trial and regular course of dealing can be had with such member, according to the rules and discipline and government of said Church, nor have the Session any power whatever to suspend a member from any Church privilege until a fair trial can be had, according to the rules and discipline of said Church, except in the single case that a Session may keep a member from sealing ordinances so called, when a charge is brought against him, so near to the time of the sacrament, that he cannot be tried, but in no other case whatever, has a Session power to suspend a member before putting him on trial, and before a regular conviction on said trial. A Session also has the full power to excommunicate any member except its minister, but not till after full trial, according to the rules, discipline and Church government.

And these Defendants further answering said original Bill admit, that any person feeling himself aggrieved by the decision of a Session may appeal to the Presbytery to which said Session belongs, but it is not necessary to appeal to a Presbytery, when the sentence of a Session is absolutely null and void, for want of jurisdiction in said Session, or where a member has not been legally summoned, or any other cause, according to the rules of faith, discipline and practice in said Church.

And these Defendants, further in answering said original Bill, admit that a Presbytery is constituted in the manner stated in said Bill of complaint, and has the powers and jurisdiction, and exercises the duties mentioned and set forth in said Bill of complaint, except that no Presbytery has power to ordain or settle a minister until he has been regularly called by the particular Church or Congregation over which he is to preside and officiate, according to the principles of said Church, and no Presbytery has any right or power to pro-

ceed to sentence or punish any member, when tried, if he protests against and appeals from their decisions or any of them. An appeal, as these Defendants are advised and believe, when made by a party, stays the execution of the sentence appealed from it, stays the judgment and execution of the judgment; that its operation is to suspend all further proceedings in the matter appealed from, and in the mean time the party tried may exercise all his right, and an appeal cannot be refused without injustice; it is the right of every individual, when brought to trial, but these Defendants insist and aver that it is not necessary to appeal from the decision of a Presbytery, where its proceedings are entirely null and void, and when not within the rules of discipline and government of said Church, nor are their decisions, at all binding upon the individual tried under such circumstances, and these Defendants further insist and aver that no decision of Presbytery is binding upon any individual, unless made in accordance with the word of God, and the received and known principles of the Church, and whenever such decisions are contrary to these, it becomes a duty to resist them, and the member or members judged have the right to the free exercise of their conscience on the subject, and a right under protest to exercise all their privileges and duties, whether ministerial or otherwise, according to the rules of faith, discipline and practice in said Associate Church, and these Defendants further insist and aver that a declination when sent to a Presbytery or other body for proper cause stays all further proceedings before said Presbytery or other tribunal and carries the proceedings to a higher Judiciary. And these Defendants further insist and aver that, although members judged or tried, are bound to subject themselves to the Judicatories of the Church, yet it is not an absolute subjection that they engage themselves unto, it is not a blind and implicit obedience that they bind themselves unto, but a subjection in the Lord, a subjection qualified and limited by the word of God, and the received and known principles of the Church, that there is a right of protest, if the decision is conscientiously and sincerely believed to be erroneous, and the party has a right to hold the decisions null and void, when conscientiously believed to be erroneous, and if a minister of the Gospel has the same right to discharge all the functions of a Gospel minister, as though no such decision had ever been made, according to the rules of faith, discipline and practice of said Associate Church; nor has any Presbytery any control whatever over the temporalities of a Church, nor over any person not in full communion. And these Defendants, further in answering the second amendment to said original Bill, under the objection before mentioned, as hereinafter stated, and without waiving their rights under it, they answer and say that it is wholly untrue that a Presbytery, according to the rules of faith, discipline and practice of said Associate Church, has any power or right to suspend, excommunicate or otherwise deal with any Congregation within its bounds or under its control, supervision or inspection or any portion of a Congregation en masse for any error in doctrine, immorality in practice, insubordination schismatic, or other disorganizing or heretical conduct, or other disregard of a non compliance in the deeds, acts, decrees or decisions of a Presbytery, or contempt or disobedience of its lawful authority, nor has a Presbytery any power or authority to declare or decide who do or who do not compose any part of, and who are, and who are not members of any Congregation, nor can it determine and declare the ecclesiastical standing of any Congregation or any part thereof within its jurisdiction or under its supervision, nor can it declare and decide who are and who are not the regular elders of any such Congregation, nor can it declare and determine whether the Session of any such Congregation has been legally and canonically

ally constituted ; that on the contrary no Presbytery has any jurisdiction over a Church or Congregation within its bounds, except by appeal from the decision of the Session of said Church, nor has any Presbytery any original jurisdiction whatever over a Church or Congregation within its bounds, except the power to try and remove its minister, all other proceedings relative to any Church or Congregation, must come before said Presbytery regularly through the Session of said Church by appeal, and the whole of said charge in said second amendment to said Bill of complaint other than as herein explained is wholly and unqualifiedly untrue. And these Defendants further say that, though the members of any Church or Congregation are bound to yield obedience to the decisions to the Presbytery to which it belongs, yet such decisions are no farther binding than as made in conformity to the rules and discipline of the Church, and in accordance with the word of God, nor are they binding when, in the sincere and conscientious belief of the person or persons judged, the Presbytery making them, does not act uprightly, that such are the very principles upon which the original Church was founded, and they have continued to be the principles of said Church to the present day.

And these Defendants further in answering said original Bill admit, that any party feeling himself or herself aggrieved by any sentence or decision of a Presbytery may appeal to the Synod ; and these Defendants further admit that a Synod is the Supreme Judicatory of the Church, and is composed and constituted in the manner stated in said bill of complaint, and that said Synod possess and have a right to exercise the several powers stated in said bill of complaint, and their decisions are final so far as they are in accordance with the rules of discipline and government of the Church, and in accordance with the word of God and no farther—that any person feeling himself aggrieved may protest against the decision of a Synod, and claim to have said decision reviewed, and may continue his protest to the first free and enlightened Synod, and if said decision is conscientiously believed to be erroneous and unjust, it is not binding upon the conscience of the individual, and he may protest, and under said protest exercise all his functions, ministerial or otherwise, until such sentence is reviewed and reversed according to the principles of said Associate Church.

And these Defendants further insist and aver, that a Synod has no power or jurisdiction whatever over the temporalities of the Church, nor has it any control or power over any member or person not in full communion with said Church. And these Defendants further in answering the third amendment to said original Bill, subject to the objection hereafter mentioned, and without waiving their rights under it, they answer and say, that it is wholly untrue—that a Synod has power to suspend or dissolve any Presbytery and to place the Presbytery or Congregation belonging to it under the care of any other Presbytery temporarily or permanently as they may deem meet, nor have the Synod any power to suspend a Presbytery without a regular citation to said Presbytery to appear before them, and without giving said Presbytery an opportunity to be heard in its defence, and even then without the just cause, and any suspension of a Presbytery by a Synod without such citation is entirely null and void and of no effect whatever, according to the rules of discipline, faith and practice of said Associate Church.

And these Defendants further say, that it is wholly untrue, that upon deposing any minister, or upon affirming the act or sentence of any Presbytery deposing any minister, the Synod has any power to declare the office of pastor or minister in the said Congregation vacant, nor any power of the like kind or effect, nor have they any power ever to declare a Congregation vacant, nor has

a Synod any power whatever to send Commissioners to labor in any Church or Congregation, nor can they compel any Congregation to permit any minister to preach in their church or pulpit except by their own free will and consent, but every Congregation has the right to choose and select its own minister according to the principles of said Associate Church—that said Synod has no power originally to depose a minister—that such power belongs to the Presbytery, and the jurisdiction of the Synod is only appellate. And these Defendants further answering said original Bill admit, that the Associate Synod of North America is the Supreme Judicatory of the said Associate Church in North America, and that its decisions are obligatory upon all the judicatories, officers, members and Congregations, and are final so far as they are made in conformity to the rules of discipline and to the principles of said Church, and in accordance with the word of God, but no farther; nor are they obligatory when not so made, and when conscientiously believed not to have been so made, as before stated and insisted upon by these Defendants. And these Defendants in further answering said original Bill admit, that there are two sentences of excommunication used in the judicatories of said Associate Church, one of which is called the lesser and the other the higher sentence, that the effect of said several sentences of excommunication upon an individual sentenced is as stated in said bill of complaint. But these Defendants insist and aver, that if a minister is, in the sincere and conscientious opinion and belief of such minister or any of his Congregation, wrongfully excommunicated, both the minister and his Congregation are bound to resist the unjust sentence, and to hold it entirely null and void according to the principles of said Associate Church.

And these Defendants in further answering said original Bill admit, that in or about the year 1784, the said Associate Church of North America, through the said Associate Presbytery of Pennsylvania, adopted and published a particular statement of their principles in a book commonly called and known as the declaration and testimony of the Associate Church of North America—that those principles are as partly set out and stated in said bill of complaint, but these Defendants insist and aver that the submission as mentioned in the ordination vows is a submission in the Lord, a submission to a Presbytery when it acts uprightly, but when it does not act uprightly, it is the duty of the individual to refuse to submit, and to contend against and to resist such judgment, and these Defendants beg leave to refer particularly to said book of declaration and testimony, and to make the same a part of this their answer to said bill of complaint, and on which for greater certainty they rely.

And these Defendants further in answering said original Bill admit, that the principles thus adopted and published by the said Associate Church, have ever been and still are the principles of the faith and practice, discipline and government of the said Associate Church, and are obligatory upon every officer and member thereof, subject to the exceptions and explanations heretofore and hereafter given by these Defendants. And these Defendants in further answering said original Bill, admit that the said Associate Congregation of Cambridge have always, since their first organization in 1785, been in all respects duly organized as a Congregation or Church, and they were incorporated in the year 1826, though they had once been incorporated previous to that time, and as these Defendants are informed and believe as early as the year 1801 or 1802, but said incorporation had, for several years, become invalid.—And these Defendants admit that, as well before as since the incorporation thereof, the temporalities of the said Congregation (but not of all other Congregations) of said Associate Church were committed to the custody and care

of the Trustees elected by the members of the said Congregation in full communion from among themselves, but these Defendants deny that such was the case, because the principles of the said Church or the law required it so to be, on the contrary these Defendants aver and state the fact to be that, since the incorporation of said Associate Church in Cambridge, all elections for Trustees to take the care and custody of the temporalities of said Church have been held in the manner directed by the act of incorporation under the statutes of this State, that notices have been given from year to year to all qualified voters under the statute to attend at the time and place specified in said notice for the holding said annual elections, and the vote of no qualified or legal voter has been rejected, whether he was a member of said church in full communion or not. And these Defendants, further in answering said original Bill, admit that, subsequent to the organization of said Associate Congregation of Cambridge, and prior to the year 1838, the said Congregation acquired by purchase, exchange, donations and subscriptions the real property and estate mentioned and described in the said Bill of complaint, but these Defendants would beg leave to refer to the several deeds of conveyance of said real estate, when produced for greater certainty. And these Defendants further say that all of said real estate was conveyed to the said Congregation for a valuable and pecuniary consideration as mentioned in the several deeds of conveyance, nor has any part or portion of said real estate been granted or given to the said Congregation upon conditions that the same should be used or kept in any other manner than as the Trustees might, from time to time, deem proper—that all of said real estate has been purchased absolutely from time to time, except the piece conveyed by William Stevenson and his wife, which was exchanged for a piece of land of about the same size and value belonging to the said Associate Congregation without any conditions or restrictions, as may appear by the several deeds of conveyance to the said Congregation, and without any covenant or covenants, confining said Trustees to any conditions, or claiming a revision of said real estate or of any part thereof to the grantors on failure to comply with any particular covenants or conditions.

And these Defendants in further answering said original Bill admit, that in or about the year 1833, the said Associate Congregation of Cambridge erected and built upon the said real estate so conveyed to them as aforesaid, a brick church edifice or meeting house of the value of about nine thousand dollars—that said church was built by subscription principally by most of the members composing said Associate Congregation, and partly by donations and subscriptions from other sources—that these Defendants cannot state the amount derived from other sources—but the subscriptions and donations were paid into the hands of the Trustees of said Associate Congregation without any restriction or condition imposed upon them other than the confidence of the donors—that the amount was to be applied for religious purposes and for the building a church for the benefit of said Congregation in the manner deemed most fit and proper by the said Trustees, and without any express or implied condition that said Trustees or Congregation should remain subject to the said Associate Presbytery of Cambridge farther than they deemed to be just, expedient and proper—that by far the largest proportion being at least \$6000, and these Defendants believe more was contributed by the elders, Trustees and that portion of the Congregation who now adhere to the Defendant, Alexander Bullions, and who wish to attend his ministrations—that this number consists of about three hundred and forty comprising five being all of the elders of said Church, the six Trustees and two hundred and twenty-one communi-

cants—that the minority of said Church consists of the Complainants only and a portion of their families except one or two comprising not more than sixty communicants and not exceeding seventy-five in all.

And these Defendants, some of them expressed a willingness to the said Complainants, before the commencement of this suit, and offered to pay them their share and part of said Church, or the part and share which they subscribed towards the erection of said church, or to pay them in proportion to their number—but two of the members of said Congregation, to wit: George Lourie and James Shiland received for answer from some of said minority, that they would have the whole or nothing. And these Defendants for themselves and the rest of the Congregation now hereby offer again to pay said minority the amount of their subscription or in proportion to their number or in any other way that shall be deemed just and equitable by this Honorable Court, but these Defendants insist, that said Complainants in such an event should be required to pay these Defendants costs in this behalf most wrongfully and unnecessarily sustained.

And these Defendants further in answering said original Bill, deny that the said Associate Congregation of Cambridge, previous to the first day of June, 1838, or at any other time, erected and built upon the said premises the necessary sheds and out-houses for the accommodation of the members of the said Associate Congregation, and other persons attending divine worship at said church edifice—that the words, “and individual members” were not in the original Bill, and have been interpolated in the copy of supplemental and original Bill, served on these Defendants’ Solicitor, but on the contrary the Defendants aver and state the fact to be, that all the sheds mentioned in said bill of complaint were erected by private individuals, and are now the property of said individuals. And these Defendants admit, that previous to the first day of June, 1838, the said Associate Congregation erected and built upon the premises aforesaid, a suitable dwelling house, with the necessary out buildings connected therewith, for the use and occupation of the pastor or minister of the said Associate Congregation of Cambridge. And these Defendants in further answering said original Bill admit, that the value of the real estate so conveyed to the Congregation as aforesaid, together with the church edifice and other buildings erected thereon, is now of about the value of thirteen thousand dollars.

And these Defendants in further answering said original Bill, say that the library mentioned in said bill of complaint, was purchased and procured by private subscription of members of the said Congregation, and not from the funds thereof as stated in said bill; and these Defendants are informed and believe and admit that the furniture for the church and the pulpit, and fire-wood for the use of the meeting house have been procured by the said Congregation, and that the value of the same, including the said library, is about the sum of four hundred dollars, as near as these Defendants can estimate the same. And these Defendants in further answering said original Bill, say that all the property, real and personal, except as before stated and insisted, has been and still is held by the Trustees of said Congregation in trust, for the sole and only and exclusive purpose, of being devoted and appropriated solely and exclusively to the support and maintenance of the preaching and teaching the Gospel, and the administration of divine ordinances in said Associate Congregation, according to the principles of faith, practice, discipline and government of said Associate Church of North America, according to which principles no minister who is under rightful sentence of excommunication can be permitted to occupy the pulpit or administer divine ordinances in said Associ-

ate Congregation; but these Defendants insist and aver that if any minister is not righteously deposed and excommunicated, and does not conscientiously believe that he is rightfully deposed and excommunicated, or if his Congregation or a majority of them, believe the same, he or they have the right to protest and decline submitting to said sentence, to hold the same null and void, until it is reversed, and to continue to preach as a minister—that it is the right and the duty of both minister and people so to do—that it is a right they derive from the very foundation and constitution of their Church—and the Congregation possess the equal right to attend upon the ministrations of such a minister, without being sinful in the sight of God, as these Defendants sincerely and conscientiously believe.

And these Defendants further claim and insist that a majority of the Congregation have at all times the right to choose and select their own minister, and to enjoy his preaching, so long as he does not depart materially from the standard of faith and practice of the said Associate Church, in the opinion and conscientious belief of preacher and hearers—and the hearers can hear and attend upon the ministrations of a minister wrongfully excommunicated in their opinion and belief, without a violation of their solemn vows or any of them, which they took upon them when they became members of said Associate Church, and it is their privilege and duty so to do—that the fathers and founders of the Church did the same, and founded the Church upon these principles, preaching themselves under sentence of deposition and excommunication, and such principles have ever since been adhered to by said Associate Church. And these Defendants further in answering said original Bill admit, that on or about the 21st day of November, 1826, the said Associate Congregation of Cambridge was duly incorporated in the manner and under the name and style set forth in said bill of complaint, and that six Trustees of said Congregation were duly elected, as also set forth in said bill of complaint, agreeably to the laws of this State and the said act of incorporation—that the Trustees have been divided into three classes, and one third thereof elected yearly, and every year since the incorporation of said Associate Congregation. And these Defendants further say, that the last election for Trustees was regularly held in January last—and that the names of the Trustees now are, the Defendants, James Coulter, James Shiland, Robert McClellan, Peter Hill, James T. Green and James Woods, all of whom adhere to the Defendant, Alexander Bullions, and are anxious to attend upon his ministrations.

And these Defendants in further answering said original Bill admit, that the Trustees of any Congregation, as such alone, have no power to call or in any manner to obtain or procure a minister to preach or officiate in such Congregation—that a clergyman or pastor is called in the manner and form stated in said bill of complaint—but these Defendants insist and aver that no Presbytery or Synod can impose or send any minister to preach in any Congregation without the consent and approbation of said Congregation, nor have the Presbytery the right to refuse to sanction a call duly made by the Congregation, without the strongest and most justifiable reasons—a Congregation being considered in all things to have the right and power to choose their own minister, and the sanction by Presbytery being considered matter of form, and of course, when the Congregation have expressed their wishes to the calling of a particular minister.

And these Defendants further say that it is not true, that the Session or Congregation have no power to supply the pulpit of any Congregation permanently, temporarily, or otherwise, but on the contrary, the Session or Congre-

gation may not only invite a minister in good standing and full communion with said Associate Church, to preach in said Congregation for one or two sabbaths as the exigencies of said Congregation may require, but said Session or Congregation may invite such minister to preach from sabbath to sabbath as long as they shall judge it to be expedient and proper, and no body but the Session and Congregation can permit any minister to occupy the pulpit of said Congregation, according to the principles of said Associate Church. And these Defendants in further answering said original Bill admit, that the Defendant Alexander Bullions, was in or about the year 1808, called by the said Associate Congregation of Cambridge, in the manner stated in said Bill—that said call was in writing—is in the possession of Dr. Bullions, and is as stated in said bill of complaint substantially.

And these Defendants, in further answering said original Bill, admit that said call was delivered to and received and accepted by the said Alexander Bullions in the manner set forth in said Bill of complaint, and such proceedings were thereupon had, that the said Alexander Bullions was ordained and installed as the pastor of said Associate Congregation of Cambridge, and on such ordination and installation one of his vows was in answering affirmatively the question contained in the copy of said Bill, as last served on the Solicitor of these Defendants, and not the question contained in said original Bill, as is most untruly pretended in said last copy, that the following words were omitted in said original Bill, and are now interpolated in said last copy, containing the supplemental and amended Bill, without being introduced by way of amendment, to wit: "Remembering that, while they act uprightly, they judge not for men but for the Lord, who is also with them in the judgment,"—that the matter thus omitted in said original Bill forms a very material part of said article in the opinion and belief of most ministers of said Associate Church, as these Defendants verily believe, and in the opinion and belief of these Defendants, and fully confirms to them the privilege of protesting against and refusing to submit to any judgment of Presbytery or Synod which is not upright and in accordance with the word of God, and which they do not conscientiously believe to be upright and righteous.

And these Defendants, in further answering said original Bill, admit that the said Alexander Bullions continued to be the pastor of said Associate Congregation of Cambridge, under the authority and government of the Associate Presbytery of Cambridge until April, 1838, but these Defendants deny that the said Alexander Bullions was guilty of a series of delinquencies and misconduct on his part at any time, although these Defendants cannot be more explicit in their denial of said charges contained in said original Bill, for want of particular specification of the nature and character of said delinquencies and misconduct; yet these Defendants aver, that the whole alleged offence for which the said Alexander Bullions was suspended is contained in the following extract from the minutes of the said Associate Presbytery of Cambridge, at South Argyle, Oct. 5th, 1837. "Dr. Bullions having in his remarks insinuated that some member or members present were unfit to sit in any Court, it was on motion resolved, that he be required to give the names; Dr. Bullions refused to give the names by denying his former words, and in his remarks said Presbytery might censure till they were tired. It was on motion resolved that Dr. Bullions be censured for contempt of Court, in the above slanderous insinuation and expression, on motion resolved that the censure due to Dr. Bullions be a rebuke. Dr. Bullions entered his protest against the minute recording his expression and appealed to Synod—protest not admitted—He protested against not admitting his protest; this protest was ad-

mitted, proceeded to inflict the censure voted to Dr. Bullions, he refused to submit, protested and appealed to Synod, protest not admitted, he then protested against the rejection of this protest and appealed to Synod which was admitted. It was then on motion resolved that he be suspended from the exercise of his ministry, and the communion of the Church till he give evidence of repentance for contumacy, Dr. Bullions protested against this decision and appealed, protest not admitted, he then protested against the rejection of his protest and appealed, this protest was admitted—A true extract attested by D. Gordon, Clerk, P. T.”

And these Defendants further say that the proceedings of said Presbytery in said suspension were wholly illegal, not according to the rules of the Church, nor the word of God, unrighteous, precipitate and void—that two of the complainants, John Robertson and William Stevenson, as these Defendants are informed and believe, at the time, they were had declared them so, that the said John Robertson publicly said that Presbytery went on faster than he himself could think, that their proceedings were precipitate, illegal and unjust, and the said William Stevenson declared in substance the same thing. And these Defendants further say that said proceedings of said Presbytery having been wholly illegal and void, (in the belief of these Defendants,) these Defendants were not bound thereby, and the said Alexander Bullions under his protest and appeal as well as on the ground that said proceedings were void in his opinion and belief, had the full right to continue his ministry over said Associate Congregation of Cambridge.

And these Defendants further say, that said suspension on the 5th of October, 1837, was followed up by the sentence of deposition and excommunication on the 12th day of April, 1838, as contained in said bill of complaint, but said sentence was altogether illegal, unrighteous and void—that the said Presbytery was not legally constituted—that four members had been improperly and illegally excluded from seats in its deliberations—that members set in Presbytery against the said Alexander Bullions, who were his accusers, and witnesses against him—that the said Alexander Bullions on the 7th day of February, 1838 had sent in a declinature to the authority of said Presbytery, as he avers, and as the other Defendants are informed and believe, which he had a perfect right to do, and which removed all proceedings from before them—that the said Alexander Bullions was not present at the meeting of Presbytery on the 12th April, 1838 or at that meeting at all, and was deposed from the ministry during his absence against the established principles and law of the Associate Church, which is, that no Presbytery, unless it be a Supreme Court, possess the power to depose a minister of the Gospel in his absence as these Defendants are informed, advised and believe—that the said Alexander Bullions was not properly and legally notified and cited to appear before said Presbytery—that a minority of said Presbytery assumed to act, and that the whole proceedings of said Presbytery were unrighteous, illegal and void in the opinion and belief of these Defendants, and the Defendant, Alexander Bullions duly appealed from the proceedings and sentence of said Presbytery to the said Associate Synod of North America. And these Defendants insist and aver further that if no appeal had been regularly taken to the doings of said Presbytery in said sentences of suspension, deposition and excommunication, none was necessary as the whole proceedings were null and void in the opinion and belief of these Defendants, and these Defendants in the conscientious belief that they were so, had the full right to continue the said Alexander Bullions as their minister and he had the full right to continue to officiate as the minister of said Congregation agreeably to the principles of faith and practice of the

said Associate Church and of the said Associate Congregation of Cambridge. And these Defendants in further answering the fourth amendment to said original Bill, subject to the obligation hereinafter set forth and not waiving their right under said objection, they answer and say, that they cannot for want of particular specification of falsehood, slandering his brethren, endeavoring to create division in the Church and the other charges contained in said fourth amendment, fully answer the same other than to give a general denial of their truth, which they hereby do, but these Defendants wholly and unqualifiedly deny that the said Alexander Bullions had a full and patient hearing before the Presbytery on the charge alleged against him, but on the contrary these Defendants insist and aver, that the whole proceedings before said Presbytery were partial, unrighteous and unjust, that regular ministerial members were unlawfully and illegally excluded from said Presbytery, leaving a minority of ministerial members of said Presbytery, that said Alexander Bullions was not present when he was deposed, that he was not legally cited before said Presbytery—that the whole proceedings were illegal, unrighteous, null and void, and that the said Alexander Bullions was not rightfully and legally deposed, and had a right to hold as he does hold, and as these Defendants hold the whole proceedings to be null and void and not binding, and that conscientiously believing so, he has the full right to exercise his ministerial functions as he has done and still does in accordance with the rules and principles of the said Associate Church.

And these Defendants in further answering said original Bill admit that the said Alexander Bullions has not at any time since the said deposition and excommunication made submission to the said Presbytery, for the reason that he holds said proceedings null and void, as do these Defendants. And these Defendants admit, that the said Alexander Bullions appealed therefrom to the said Associate Synod of North America, which had full power and jurisdiction to hear said appeal, and which affirmed the decision of said Presbytery after hearing the parties, but not on full proof, but at a small meeting of Synod, only 46 members being present—that a protest was entered upon the minutes of Synod, signed by several of the ministerial members, and a protest was also entered upon the minutes by Dr. Bullions, claiming that the whole proceedings were null and void till reviewed and reversed, and that the said Alexander Bullions claimed all his rights as a minister of the Gospel, and should discharge all the functions of the Gospel ministry, as though no such act had been passed, which said protest these Defendants are ready to produce and prove whenever this Honorable Court shall direct, and under which they insist and aver, that the said Alexander Bullions has a right to exercise his ministerial functions, and thus preserve the rules of discipline of the Associate Church unimpaired. And these Defendants further admit, that the said Alexander Bullions was remitted to the said Associate Presbytery of Cambridge, and that he has declined to appear before said Presbytery for the reasons herein before stated—that he holds the whole proceedings null and void, and conscientiously believes them so to be, as he avers, and as the other Defendants herein named verily believe. And the said Alexander Bullions does persist in preaching and in exercising the office of the ministry over said Associate Congregation of Cambridge for the reasons before stated, and not in defiance and contempt of the said Associate Presbytery of Cambridge and the said Associate Synod of North America—that he continues to preach as he conscientiously believes he has the right to do under the rules of discipline, faith and practice of said Associate Church, and in compliance with the wishes and desires of four fifths of the said Associate Congregation of Cambridge.

And these Defendants claim, say and insist, as members of the said Associate Congregation of Cambridge, four-fifths of whom agree with these Defendants, as they are informed by them and believe, that the said Defendants including the said Alexander Bullions, have the right, under the constitution and origin of said Church, to protest against said decisions, to refuse to submit to them, and to hold them null and void, if they conscientiously believe them to be unjust and unrighteous, as these Defendants conscientiously and sincerely do,—that these Defendants and the other members of said Congregation who adhere to Dr. Bullions, have not departed in faith, practice or discipline, from the principles of said Associate Church, nor does Dr. Bullions preach a different Gospel or different doctrines from those which he has preached and practiced for the last thirty years, and ever since his settlement over said Congregation—that he is deposed for no error in doctrines, faith or practice, but for refusing to submit to a rebuke for an insinuation, and for contumacy in insisting on his constitutional rights of an appeal from the said sentence of rebuke to a superior judicatory. And these Defendants in further answering said original bill admit, that the office of pastor of said Associate Congregation of Cambridge was formally declared vacant, by the Associate Presbytery of Cambridge, and that deed confirmed by the said Associate Synod of North America, in the manner stated in said bill of complaint, but these Defendants insist and aver that the said Presbytery or Synod had no power or right under the circumstances to declare said Congregation vacant without their consent, and these Defendants claim that said proceedings are wholly null and void.

And these Defendants further admit that the said Synod appointed the said Alexander T. McGill and the Rev. Joseph McKie as commissioners to labor in said Associate Congregation of Cambridge in the manner and for the purposes stated in said original Bill of complaint, and that said commissioners appeared and attended at Cambridge, at the time and place mentioned in said Bill of complaint, and these Defendants further admit that they were notified that the said Alexander Bullions had been suspended, deposed, and excommunicated, and the Congregation declared vacant, and that said commissioners had been sent by the said Synod for the purposes mentioned in said Bill. And these Defendants, except the said Alexander Bullions admit that they shut the doors of said Church against the said commissioners, and refused to permit them to enter the said Church, but these Defendants aver that it is positively and unequivocally untrue, that they shut the doors of said Church at the instigation and request of the said Alexander Bullions, but on the contrary thereof, these Defendants insist, state and aver that they refused to permit the said commissioners to enter said Church, to occupy said pulpit, and to preach or administer divine ordinances therein under the express vote and direction of the said Associate Congregation of Cambridge, four fifths of whom so voted and directed these Defendants, the said Trustees. And these Defendants further aver and insist that the said Associate Synod of North America had no right or power to send commissioners to preach in said Associate Congregation of Cambridge without their consent, and these Defendants, the said Trustees, verily believe that they would have been guilty of a breach of trust, if they had permitted the said Commissioners to enter said pulpit, contrary to the wishes and against the express directions of said Associate Congregation of Cambridge.

And these Defendants, the said Trustees, further admit that they have permitted the said Alexander Bullions to occupy the pulpit and officiate as pastor and minister in said church edifice or meeting house of said Associate Congregation of Cambridge, and sustain, uphold and support him therein, in com-

mon, with the elders, trustees and four fifths of the said Congregation under their solemn vote and direction, and that these Defendants, the Trustees, in so doing, have only acted in obedience to the wishes and direction of the said Congregation—that these Defendants, the said Trustees, are only in possession of two of the books belonging to said Congregation, and no papers, except two of the deeds mentioned in the said Bill of complaint belonging to the said Congregation—the other books and papers including the common seal of said corporation being in the possession of William Stevenson, one of the complainants, who claims to hold the same, and entirely refuses to deliver them up to the regular and legally elected Trustees of said Congregation as these Defendants are informed and believe. And these Defendants pray that he may be compelled to restore said corporate property to the Trustees of said Congregation by a decree of this Honorable Court. And these Defendants, the said Trustees, further admit, that they have rented the pews of said meeting-house in the usual ordinary way for a period of five years; that said pews were rented five years previous to the first day of January, 1839, for a period of five years, pursuant to the term of sale; that at the expiration of the said term of five years these Defendants, the said Trustees, by the vote and direction of the said Congregation, and in the usual manner caused public notice to be given that said pews would be sold for another period of five years at the church edifice, on the first day of January, 1839, that on the day appointed, the said pews were sold at public auction, in the usual manner, to the highest bidder, all persons having the right to be present and bid who were so disposed, and these Defendants, the said Trustees, did not sell said pews to the exclusion of the said complainants, or any other person whomsoever, that said complainants or any member of said Congregation or any other person might have been present, and bid and purchased pews if they had felt disposed, the sale being an open, public and fair one—that these Defendants are informed and believe that said Complainants knew of said sale, and one if not more of them was present at said sale—that they had a meeting on the day of sale near said church edifice, but did not generally attend said sale nor purchase any pews. And these Defendants, the said Trustees, do indeed in obedience to their trust claim to hold and control and take care of and preserve said real and personal property, belonging to said Associate Congregation of Cambridge, but these Defendants, the said Trustees, do not claim any other control over said property than they are authorized and required to exercise, by the said Associate Congregation and by the laws of this State—that they do not pervert the funds of said Congregation from their appropriate uses and purposes, but on the contrary they apply said funds, or did apply them, until the injunction in this cause, according to the directions of said Congregation and in support of a minister who ministers according to the principles of the faith and practice of the said Associate Church, and there are no funds, except the property in possession of said Dr. Bullions, nor have they the said Trustees appropriated any funds of the said Congregation, to his support since the injunction in this cause; and these Defendants the said Trustees, deny that they have ever excluded, except in the case of the two commissioners as before stated, or that they persist in excluding clergymen of regular standing, in full communion with the said Associate Church and Congregation from preaching and administering divine ordinances in said church edifice—but on the contrary thereof, several ministers in full communion with said Church, have preached in said church edifice during the two past years, and since said supposed deposition of said Alexander Bullions. And these Defendants have admitted and are willing to admit in said pulpit of said church edifice, ministers in regular standing in said

Church, and have excluded none except directed so to do by said Congregation, being the two commissioners as before stated. And these Defendants deny that they have excluded or do exclude the said Complainants or any other member of said Congregation from said church edifice, unless they will consent to hear a deposed excommunicated minister, or that they have excluded or do exclude said Complainants or any other member of said Congregation from said church edifice, in any way or manner whatever.

And these Defendants in further answering the fifth amendment to said original Bill, subject to their objection hereinafter mentioned, and without waiving their right under said objection, they answering say, that they utterly and wholly deny that the Complainants and the other members mentioned in said amendment compose exclusively the said Associate Congregation of Cambridge, but on the contrary, these Defendants insist and aver, and so state the fact to be, that said Complainants and their associates compose but a very small minority of said Associate Congregation of Cambridge, and that these Defendants, the said Trustees, and the other members of said Congregation who adhere to the said Alexander Bullions, compose a large majority of the said Associate Congregation of Cambridge, comprising at least four fifths of said Congregation. And these Defendants deny that the said Presbytery of Cambridge, at its session on or about the 27th day of June, 1838, had any right, authority or power to declare, that said Complainants composed exclusively said Associate Congregation of Cambridge, or that these Defendants and the other members of said Congregation who adhere to the said Alexander Bullions, did not compose any part of said Congregation—that said Presbytery was not legally constituted—that these Defendants and the other members of said Congregation, adhering to Dr. Bullions, were not legally cited or notified to appear before them—that they possessed no right or power whatever to declare who were or who were not the Associate Congregation of Cambridge—that their whole proceedings were illegal, without jurisdiction, oppressive, unrighteous, tyrannical, and utterly and wholly null and void, and not binding in the remotest manner on these Defendants, or on the other members of said Congregation, adhering to the said Alexander Bullions, according to the rules of discipline, faith and practice of said Associate Church. And these Defendants are informed and verily believe were instituted for the purpose of having and producing an improper influence in this suit.

And these Defendants in further answering the sixth amendment to said original Bill, subject to the objections of these Defendants as hereinafter mentioned, and without waiving their rights under said objection, answer and say, that they wholly deny that the five former elders of said Associate Congregation, who now adhere to Doctor Bullions after a due and regular course of discipline by the Session of said Associate Congregation were duly suspended or excommunicated as stated in said amendment, or that they ever were suspended or excommunicated according to the rules of discipline of said Associate Church, but on the contrary thereof, these Defendants aver and insist that said five elders at the very time a certain portion of the said minority, styling themselves the Session of said Associate Congregation, attempted to suspend them, were and still are a majority of the Session of said Associate Congregation themselves—that they have never been legally removed, nor have others ever been legally chosen in their places or either of them—that said pretended Session had no right, power, or authority to act as such, their acts were wholly null and void—they assumed to suspend the said five elders without, and in fact before trial, and without proper citation, and their whole proceedings were in the opinion and belief of these Defendants, a solemn

mockery, contrary to the rules of discipline, faith and practice of said Associate Church, and instituted for the purposes of this suit. And these Defendants answering the first charge and matter by way of supplement, in the supplemental bill, incorporated with said original Bill, aver and state the fact to be, that an application was made to this Court, on the 6th of August, 1839, for leave to amend said original Bill, which said application was denied, as may appear by the order of the said Court, entered on that day—that in deciding said application, this Court granted leave to said Complainants to file a supplemental bill stating that they had a right to do so, *ex parte*, on their peril, and to incorporate amendments in their said supplemental bill, subjecting themselves to the right of these Defendants, or any of them, to demur to said supplemental bill, which demurrer, if sustained, would dismiss the said supplemental bill, and the amendments, if any were incorporated therein, would fall with said supplemental bill—and these Defendants insist, that the said supplemental matter stated in said bill is not sufficient to entitle Complainants to any relief, to which they would not be entitled under said original Bill—and these Defendants pray the same judgment, and the same rights and relief in reference to said supplemental bill, as if they had demurred to the same, for the reasons above stated, or for want of equity, or for any other purpose—and they further pray that the several matters incorporated with said supplemental bill, by way of amendment may be stricken from said bill, with the supplemental matter, in the same way and manner, as if these Defendants had demurred to said supplemental bill in manner aforesaid.

And these Defendants not waiving their rights, but claiming them to be the same as if they had demurred to said supplemental bill, in answer to the first matter, by way of supplement, deny that these Defendants, the said Trustees and other of the former members of said Associate Congregation, who adhere to the said Alexander Bullions, have been duly and legally suspended or excommunicated by the Session of said Associate Congregation, or that any dealings whatever have been had with them, except by a self constituted Session, by the minority of said Congregation—that said pretended Session has never been legally constituted or organized—that the true and legally constituted Session of said Associate Congregation, belong to the Congregation adhering to Dr. Bullions, and none other could or can suspend or deal with these Defendants—that the whole proceedings of said minority Session are wholly and entirely null and void, and not in accordance with the principles and discipline of the said Associate Church—that no Session in said Church has power to suspend before or without hearing and trial, to be had after the regular citations of the members to be tried—and these Defendants deny that the portion of the Congregation adhering to Dr. Bullions have been duly and legally suspended till trials can be had in their respective cases, no Session possessing any such power—and these Defendants aver that the whole doings of said pretended Session, which is not and never was the regular and legal Session of said Associate Congregation of Cambridge, are illegal, unrighteous, and utterly null and void, and not binding or obligatory upon any individual or individuals, according to the principles, faith and practice of said Associate Church.

And these Defendants, in further answering the seventh amendment to said original Bill, subject to the objections of these Defendants herein before stated, and without waiving any rights under said objections, they answer and say that they wholly deny that the Session of said Associate Congregation, by whom the said adherents of Dr. Bullions were suspended and excommunicated was in all things duly and legally constituted and organized, (the term

canonical is not known or used in said Associate Church,) according to the rules of faith, discipline and government of said Associate Church, and these Defendants deny that said Session is the only legally constituted Session of said Church, but on the contrary thereof these Defendants aver and maintain, that the only legally constituted Session of said Associate Congregation adheres to Dr. Bullions, that it has existed for a period previous to his declared deposition and still exists, that the whole of the powers assumed by said minority Session are null and void and without effect, and said Session was never duly and legally organized, and these Defendants further insist and maintain and aver that the act of the said Associate Presbytery of Cambridge of the 27th day of June, 1838, declaring said Session to be the only duly organized and legal Session of said Associate Congregation of Cambridge was without authority, and not in accordance with the principles of faith and practice of said Associate Church, a power altogether assumed by said Presbytery, without right, and utterly and entirely null and void, that said act remains unreversed, but not being in accordance with the principles of faith, discipline and government of said Associate Church is not binding or obligatory upon any individual or individuals.

And these Defendants, in further answering the eighth amendment to said original Bill, subject to the objections herein before stated, and without waiving any of their rights under said objection, they answer and say that they wholly and utterly deny that, according to the rules and principles of the faith, practice and discipline and government of said Associate Church, none of the persons who adhere to Dr. Bullions are members of said Associate Church in full communion, and that they do not individually or collectively form any part of said Congregation or any other Congregation adhering to the said Associate Presbytery of Cambridge, but on the contrary thereof, these Defendants aver, insist and maintain that they form by far the greater part of said Associate Congregation of Cambridge, being about four fifths of said Congregation, and are members of said Congregation in full communion with but few exceptions, that they are recognized as such by their own Session which is the only legally constituted Session of said Congregation, according to the rules of faith and practice in said Associate Church, that they have never been legally and properly cut off by the said Associate Presbytery of Cambridge, and the act of said Presbytery, pretending to cut them off and refusing to recognize them as the Associate Congregation of Cambridge, was and is as herein before stated wholly and utterly null and void, and these Defendants deny that they or the other adherents to Dr. Bullions, to the best of their knowledge, information and belief, on the 11th day of June, 1838, or at any other time or ever abjured and repudiated the authority of the said Associate Presbytery and Synod, and the Presbyterian form of Church government, but on the contrary thereof, these Defendants aver and insist and maintain that they still adhere most fully to the principles of faith and practice, discipline and Church government of said Associate Church, and have not departed therefrom in word or deed, but hold fast to their faith and practice, exercising their rights of conscience, protest and appeal, as herein before set forth, but not acting in hostility to said Church Courts, or in defiance thereof.

And these Defendants further deny that they as Trustees appropriate the property of the said Associate Congregation to and for the use and purposes for which it was intended, but on the contrary thereof these Defendants aver, maintain and insist that they did appropriate said property and funds until restrained by this Honorable Court as it was originally intended and agreeable to the wishes, votes and directions of the said Associate Congregation of Cam-

bridge, and the legally constituted session thereof, in the support of the ministrations of the said Alexander Bullions who is both a minister and a member of said Associate Church, and they permit said Alexander Bullions, to preach in said church edifice by the direction of the Session and four-fifths of the congregation most of whom are members in full communion in said Associate Church in manner before fully stated and set forth.

And these Defendants in further answering said original Bill, admit that the Defendants, James Coulter, James Shiland, Robert McClelland and Peter Hill, together with William Stevenson and William Robertson, two of the Complainants were until the first day of April, 1839, the Trustees of said Associate Congregation of Cambridge, but that James T. Green was duly elected to fill the place of William Robertson, whose seat became vacant by expiration of his term of office on the first day of April, 1839, and was duly qualified and took his seat at the time as such Trustee, and that James Woods was duly elected at the last annual election to fill the place of William Stevenson whose seat became vacant by the expiration of his term on the first day of April, 1840, who took his seat on that day as such Trustee—that the six Trustees of said Associate Congregation of Cambridge are the four Defendants first above named, and the said James T. Green and James Woods all of whom adhere to the said Alexander Bullions and wish to attend his ministry. And this Defendant, the said Alexander Bullions, in further answering said original Bill, denies that he has ever been applied to in a friendly manner to desist from preaching in said pulpit of said church edifice of said Associate Congregation of Cambridge, or from administering divine ordinances therein, and these Defendants, the Trustees, deny that they have ever been applied to in a friendly manner to exclude the said Alexander Bullions from the said church edifice, in the manner stated in said original Bill of complaint, or to permit other ministers to preach therein, or to permit the complainants and their associates to occupy said church edifice in the manner stated in said original Bill of complaint thereof, but these Defendants admit that they have been required by said Complainants, in behalf of themselves and their associates, to comply with the requisitions, above and in said bill of complaint specified, in any other than a friendly manner, and that they have declined to comply with said requirements, for the reasons herein before and hereinafter stated.

And these Defendants, the said Trustees aver, maintain and insist, that they have the full right in execution of their trusts, to employ and permit the said Alexander Bullions to preach in said church edifice, and to administer divine ordinances therein, while a large majority of said congregation, being four-fifths thereof, request and require these Defts. the said Trustees so to do, as said Congregation have the sole right to employ such minister as they choose, when he does not materially vary from the standard of faith and practice in the said Church as Dr. Bullions does not. And these Defendants do not pretend nor claim to have the right to appropriate the property and effects of said Congregation to any other use than it was originally intended. And these Defendants do not appropriate them to any other use than to the support of a minister adhering to the principles of faith and practice of the said Associate Church, in the free exercise of his privileges and rights of conscience as before fully stated and set forth. And these Defendants further insist upon, aver and maintain that the said Alexander Bullions on the third day of July, 1838, was after being subjected to certain discipline, regularly admitted a member of the Presbytery of Vermont, of which he is now a regular member, and as such a member of the Associate Synod of North America—that said Associate Presbytery of Vermont had full power and authority to admit the said Alex-

ander Bullions as a member thereof notwithstanding he resided within the limits of the Presbytery of Cambridge. That the fact of the said Thomas Goodwillie having once been a brother-in-law of the said Alexander Bullions, and of the said Mr. Pringle being the son-in-law of the said Alexander Bullions, did not disqualify them or either of them from acting as members of said Presbytery according to the principles of said Associate Church—that they were unjustly, illegally and improperly prevented from acting while members of the Associate Presbytery of Cambridge agreeably to the rules of discipline and practice of said Associate Church as stated in said original bill of complaint.

And these Defendants in further answering the second supplemental matter contained in said original, supplemental and amended bill insisting upon their rights before stated the same as though they had demurred to said supplemental matter, they answer and say, that they admit that the said Associate Synod of North America at their session on or about the 25th day of May, 1839, at Pittsburgh in the state of Pennsylvania, did suspend the said Associate Presbytery of Vermont from the exercise of all Presbyterial authority till the next meeting of Synod, in the manner and for the alleged reasons stated in said second supplemental matter in said bill of complaint, and said Presbytery of Vermont were cited to appear at the next meeting of Synod for trial, and were placed under the care and jurisdiction of the Presbytery of Cambridge until the next meeting of Synod. And these Defendants aver, insist and maintain, that the act of said Associate Synod in thus suspending said Presbytery of Vermont, was wholly contrary to the principles of faith, practice discipline of said Associate Church, and was null and void, and of no binding effect whatever—that it is contrary to the rules and discipline of said Church for the Synod to suspend a Presbytery without citing them to appear or affording them an opportunity to be heard in their defence, that said Associate Presbytery of Vermont were not cited to appear before said Synod at its meeting, in May, 1839, nor was said Presbytery or its members present at said meeting of Synod as these Defendants are informed and believe, nor had they any opportunity of being heard in their defence, and it is a thing unheard of, and unknown in said Church to place one Presbytery under the care of an other—that in consequence of said arbitrary, unconstitutional, illegal, unrighteous and tyrannical decision, the said Presbytery of Vermont have entered their solemn protest against it, which said protest by the rules and discipline of said Associate Church, entitles them to maintain their standing, and exercise their functions as a Presbytery, until said protest is rightly decided in the opinion and belief of these Defendants.

And these Defendants further say, insist and maintain that the further act of said Associate Synod, at its said session in May, 1839, declaring the act of said Presbytery of Vermont, admitting the said Alexander Bullions as a member, and restoring him to his standing in said Associate Church, to be null and void, was altogether contrary to the rules of discipline of said Associate Church, and wholly null and void, that said Presbytery of Vermont should have been regularly cited to answer for said act, and have had an opportunity of defending themselves which they had not, that the whole of the proceedings of said Associate Synod of North America at its Session in May, 1839, relative to said Presbytery of Vermont and relative to the said Alexander Bullions were illegal, oppressive, unrighteous and null and void, that John Robertson, one of the Complainants in this cause, and who had before set in the Presbytery of Cambridge on the trial of said Alexander Bullions, and who was not appointed a delegate to said Associate Synod, attended said meeting of Synod, and was permitted by said Synod to take his seat as an assumed

member thereof, and voted on the questions concerning the said Presbytery of Vermont, and the deposition of the said Dr. Bullions as he ought not to have done, and had no right to do under the circumstances, and when proceedings were finished, immediately requested a copy in open meeting, certified by the Clerk of Synod, remarking at the time that they had an important bearing on a suit then pending in the Court of Chancery of this State, alluding to this suit, and these Defendants further say that the Rev. Messrs. Miller and Anderson, two of the members of the Presbytery of Cambridge, who had set in judgment upon Dr. Bullions in Presbytery voted in said Synod against the said Presbytery of Vermont, as they ought not to have done.

And these Defendants have no doubt and verily believe, and so charge the fact to be, that the whole of said proceedings of said Associate Synod of North America, in May, 1839, relative to said Presbytery of Vermont, and to said Alexander Bullions were illegal, unrighteous, and contrary to the rules of discipline of said Associate Church, and were procured for the special and express purpose of producing an improper influence and bearing upon this suit, then and now pending in this Honorable Court. And these Defendants further in answering as to the pretences in said original Bill and to the charges grounded thereon, say that they do not pretend that the said Alexander Bullions is willing to submit to decisions of the said Associate Presbytery of Cambridge and the Associate Synod of North America, in their present unrighteous and illegal form—but he claims and insists, and these Defendants claim and insist that he has a right to hold said decisions null and void, and to continue his ministry under his protest, until said unrighteous decisions are rescinded and reversed, if in his conscience he believes them unrighteous, and if these Defendants believe them to be so according to the principles of faith, discipline and practice in the said Associate Church—that the said Alexander Bullions is willing to submit in all things to the decisions of said Presbytery and Synod, when legally and righteously made—but this Defendant, the said Alexander Bullions did say, to the best of his recollection and belief, that he would not belong to said Presbytery one hour, even if they would restore him immediately—and this Defendant, the said Alexander Bullions has said that he had no desire to belong to said Presbytery of Cambridge so long as their decisions continued to be contrary to the principles of faith and practice in the Church, and to the word of God.

And these Defendants in further answering the charges grounded on said pretences, insist upon and claim, maintain and aver that the said Alexander Bullions has the full right to exercise his ministerial functions, as he is now doing, under his protest, notwithstanding the decisions of said Presbytery and Synod, provided he conscientiously believes, as he does conscientiously believe, said decisions to be unrighteous and unjust, and contrary to the rules of faith, discipline and practice of the said Associate Church. And these Defendants also conscientiously believe said decisions to be unrighteous and unjust, and have the full right, in accordance with the principles of said Associate Church, to hear him preach, and to appropriate the property and effects of said Associate Congregation of Cambridge, nor is it necessary in order to entitle the said Alexander Bullions to preach, that the said decisions of Presbytery and Synod be rescinded, and he be formally restored and reinstalled in the manner stated in the charges in said bill of complaint, according to the rules and practice, discipline and government of said Associate Church.

And these Defendants in further answering the third supplemental matter charged and set up in said supplemental, amended and original bill, subject to their objections heretofore taken, and without waiving any of their rights therein, they answer and say that they did pretend and insist and claim that

the decisions of said Synod, affirming said decisions of Presbytery of Cambridge was not final and conclusive, and was liable to be reviewed, and the said Doctor Bullions protested against the same for that purpose, but did not appear at the last meeting of Synod to have the same regularly brought up for a hearing—that said Synod proceeded to determine and declare at their meeting in May, 1839, that said act was final and conclusive, and they refused to reconsider, review or modify it in any manner, and remitted the said Alexander Bullions to the Presbytery of Cambridge, and all this in the absence of this Defendant, the said Alexander Bullions, and without any opportunity to be heard on his part and at the instigation of John Robertson, one of the Complainants in this cause, and Messrs. Miller and Anderson, as these Defendants are informed and believe, for the purpose of producing an improper influence in this suit—that the whole proceedings of Synod were illegal, unrighteous and unjust, unconstitutional and null and void, as it regarded the said Defendant, Alexander Bullions, and they were so regarded by at least sixteen of the ministers and elders composing a part of said Associate Synod of North America, who on the 30th May, 1839, claimed to file their written remonstrance against said proceedings, and claimed to have it entered on the minutes of said Synod, but were refused; a copy of which remonstrance is in the possession of these Defendants, and is ready to be produced and proved whenever this Honorable Court shall direct.

And these Defendants insist, aver and maintain that the said Alexander Bullions conscientiously holding and believing as do these Defendants the said last decision of Synod to be unrighteous, not in accordance with the principles of the Church and with the word of God, has the full right to continue his ministry as he does according to the principles of the said Associate Church. And these Defendants further insist, aver and maintain that by the laws of the land, each Christian Congregation has the right to select and choose its own minister and to elect its own Trustees to take the care and custody of the temporalities of the Church, and that a large majority being at least four fifths of the said Associate Congregation of Cambridge have directed and do direct these Defendants the said Trustees to continue the said Alexander Bullions as their minister, and these Defendants insist upon and contend that so long as a majority of said Associate Congregation are in favor of the said Alexander Bullions and desire to attend upon its ministrations, he can not by the laws of the land be ousted from said Church or lawfully enjoined from preaching therein, in consequence of the unrighteous decisions of any ecclesiastical court or tribunal.

And these Defendants deny all unlawful combination and confederacy in the said bill charged without that, that any other matter or thing in the said supplemental amended and original bill contained and not herein and hereby well and sufficiently answered unto, confessed and avoided, traversed or denied, is true to the knowledge and belief of these Defendants.

All which matters and things, these Defendants are ready to aver, maintain and prove as this Honorable Court shall direct, and humbly pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

B. BLAIR, *Sol'r. for Defts.* }
C. L. ALLEN, *of Counsel.* }

ALEXANDER BULLIONS,
JAMES COULTER,
JAMES SHILAND,
PETER HILL,
JAMES T. GREEN,
ROBERT McCLELLAN,
JAMES WOODS.

STATE OF NEW-YORK, } On this 21st day of April 1840, before me per-
 Washington County, ss. } sonally appeared the above named Alexander Bul-
 lions, James Coulter, James Shiland, Robert McClellan, James T. Green, and
 James Woods, and severally made oath before me that they have severally
 heard the above answer by them severally subscribed, read and know the con-
 tents thereof, and that the same is true of their own knowledge except as to
 the matters which are therein stated to be on their information or belief, and
 as to those matters they believe it to be true.

KIRTLAND WARNER, *Commissioner of Deeds.*

IN CHANCERY,
 BEFORE THE
 CHANCELLOR.

William Stevenson, William Robertson, William McGeoch, Edward Small,
 John McArthur, James McArthur, Robert McArthur, Peter McArthur,
 George Small, John Arnott, James Arnott, Edward Cook, John Robertson,
 Thomas McMorris, James Hoy, John McDouall, Isaac Ashton, John Foster,
 and William Livingston.

vs.

Alexander Bullions, James Coulter, James Shiland, Robert McClellan, Peter Hill, and the Associate Congregation of Cambridge, of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America.

Washington County, ss. : Thomas Shiland, Daniel McFarland, David Robertson, Robert Doig, George Maxwell, James Coulter, 2d, Thomas Graham, David Shiland, John W. Graham, Thomas McLean, William Green, George W. Robertson, William Shiland, and Thomas Green, being severally duly sworn, depose and say that they are severally members of the Associate Congregation of Cambridge, and have severally heard the above answer read and know the contents thereof, and that the same is true of their own knowledge, except as to the matters which are therein stated to be on information and belief, and as to those matters they believe it to be true.

Sworn this 21st day of April, }
 1840, before me. }

KIRTLAND WARNER,
Commissioner of Deeds.

THOMAS SHILAND,
 DANIEL MCFARLAND,
 DAVID ROBERTSON,
 ROBERT DOIG,
 GEORGE MAXWELL,
 JAMES COULTER, 2d,
 THOMAS GRAHAM,
 DAVID SHILAND,
 JOHN W. GRAHAM,
 THOMAS MCLEAN,
 WILLIAM GREEN,
 G. W. ROBERTSON,
 WILLIAM SHILAND
 THOMAS GREEN.

The cause was heard before the Chancellor on the Demurrer to the supplemental Bill, and the same was dismissed with costs.

General replications were put in by the Complainants to the answers of the Defendants, taking issue on the same.

IN CHANCERY:
BEFORE THE CHANCELLOR.

DAVID GORDON's Deposition.

WILLIAM STEVENSON, *et al*, }
vs. }
ALEXANDER BULLIONS, *et al*. }

Deposition of David Gordon, a witness produced, sworn and examined in a certain cause now pending in the Court of Chancery of the State of New-York, before the Chancellor of said State, wherein William Stevenson, William Robertson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, John Arnot, James Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, members of the Church in full communion, known as the Associate Congregation of Cambridge, of the County of Washington, in the State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Coulter, James Shiland, Robert McClelland, and Peter Hill, Trustees of the Associate Congregation of Cambridge, together with the Associate Congregation of Cambridge, of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Defendants on the part of the said Complainants, before James Gibson, one of the Examiners in Chancery of said State, at the house of Chester Safford, jr., in the town of Salem, in the County of Washington, commencing on the nineteenth day of October, in the year 1841, as follows, viz:—

The Rev. David Gordon, produced as aforesaid, duly sworn and now examined by Mr. Fairchild, of counsel for Complainant, deposes as follows:—

I am a resident of the town of Salem, in the County of Washington, and the State of New York. I am by profession a clergyman of the Associate Church, and am about thirty-seven years of age. I am a member of the Presbytery of Cambridge. I have been a member of that Presbytery since the year 1832—since that time I have been settled over a Congregation and Church attached to that Presbytery, situate in the town of Salem. I was present at a meeting of the Presbytery in South Argyle on the 4th of October, 1837, when Dr. Bullions was suspended. The meeting was continued over until the next day. When the meeting commenced, there were ten or eleven members present—all that usually attend.

Mr. Allen, of counsel for Defendants, objects to the testimony, because the minutes will shew who attended, and they ought to be produced—being the only proper evidence.—Objection over-ruled, and evidence received. The Presbytery was at that meeting properly constituted according to the rules of procedure of the Associate Church. There was matter of charge against Dr. Bullions, took its rise during that meeting.

Question.—What was that charge?

Objected to by Mr. Allen, of counsel for Defendants, because the minutes are proper evidence to shew what the charge was.—Objection over-ruled by the Examiner, and the evidence received.

Defendants offer to shew that this charge about which parole testimony is offered is contained on the minutes of the Presbytery, and those minutes ought to be produced. Offer over-ruled and the evidence over-ruled.

The witness states that the matter of charge, was for slander and contempt of court, and the slander consisted in asserting that a member or members present on the court were not fit to sit on any court. This assertion was not given by Dr. Bullions as of his own knowledge, but he gave it as matter of common report which he wished to have believed in as much as he proposed it as a reason for postponing the business in hand. When Dr. Bullions, was required to give the names of these persons that order might be taken with them, he would not, but denied his having said so. He then added that he had stated only that which was common report, and if the court were of a mind to censure him for that, they might censure till they were tired. These two things were the matters of charge against him in the commencement.

The slander and contempt consisted in what I have stated.

There was another offence however super-added to these, before the suspension took place, this was contumacy; which consisted in an obstinate refusal to submit to the censure adjudged by the court, or to be corrected according to order.

Before he was suspended he made reference to letters on which he grounded his charge against these members or member, which he said were in the possession of George Mairs, Jr. and Peter Gordon. He also stated that the matter charged against said member or members were for error in doctrine and immorality in practice. Before the sentence of suspension was actually inflicted, he gave the names of four members, Mr. Anderson, Mr. Miller and Alexander and David Gordon, as being the persons referred to.

I am the David Gordon mentioned by Dr. Bullions as being one of the persons referred to by him as unfit to sit in any court.

Question by Mr. Fairchild of counsel for Complainants.—Was there any evidence presumptive or otherwise by whom the charges mentioned by Dr. Bullions were originated?

Objected to by Mr. Allen, on the grounds that it is immaterial and irrelevant, not charged in the bill and not within, the issue and the whole of this testimony is objected to so far as it relates to charges before Presbytery for the same reasons. The Examiner over-rules the objection and receives the evidence. The witness says there was an anonymous letter in the hands of Mr. Miller, which by its contents seemed to answer the description the Doctor had given, and there was another in my hands the same in substance with Mr. Miller's, and the only backing on the letter in my possession was in the handwriting of Dr. Bullions, and a note within the letter I received, at the bottom of the letter also in the hand-writing of Doctor Bullions.

There were a considerable number of people present at the time Dr. Bullions made the charges I have specified—most of those people present were members of Mr. Miller's Congregation; but there were some present who were members of the other Congregation.

Question by Mr. Fairchild.—Do you know whether it was proved that Dr. Bullions originated the letters specified by you?

Question objected to by Mr. Allen, on the grounds that it is immaterial, and that the witness is giving in evidence matters of opinion, and not the facts on which the proof was founded. Objection overruled and evidence received. Then witness states that it was at an after meeting of the Presbytery, proved that Dr. Bullions originated the letters in question.

Question by Mr. Fairchild.—What was the manner of Dr. Bullions towards the court at its meeting, commencing on the 4th of October.

Objected to and received. His language and manner on this occasion was far from respectful, and after the time he made the expressions referred to and

at the time when Presbytery was endeavoring to take order with him, respecting such expressions, he was so boisterous and disorderly that it was necessary for the moderator to silence him for that sitting, according to the rules of the book of discipline article 6th, at the bottom of page 13; also article 12th, rule 11th, at the latter part of the rule. The letters which were proved before the Court to have been originated by Dr. Bullions, were the same on which he prepared to ground his charge against the members of Presbytery before specified. All Church Courts have the right to censure for a contempt of their authority. The censure to be inflicted for a contempt must depend upon the nature of the offence; and it may be as high as the deposition of the officer. The censure to be inflicted must be in the judgment of the Court in a measure; that an offence that is the same as to the act itself, may be various as to the aggravation, according to common sense, and to an express rule of the Associate Church. See *Perdivan's collections*, book 4th, title first, section 4th.

Dr. Bullions at this same meeting denied the correctness of the minutes in which was recorded the language he had used. He was requested and urged to specify wherein the minutes were incorrect, but did not and would not do it.

Question by Mr. Fairchild.—When Presbytery was about to pass the vote of censure, did any thing occur making it necessary for the moderator to silence the Doctor for that sitting, before Presbytery could proceed to the vote? Objected to as irrelevant, and received by the examiner.

The witness states that he before stated that, while Presbytery were dealing with him, endeavoring to take order with respect to the expressions, he was so boisterous and disorderly that it was necessary to deprive him of a voice and vote during that sitting; this silencing continued till a recess and the Court came into session once more.

The silencing of Dr. Bullions did not extend to preventing him from voting, but only from debate. The moderator did not exclude him from voting, but only from debate at that sitting.

The imposition of silence was removed in the afternoon of the same day, at the time of the commencement of the Court after the recess was over.—After the moderator had silenced Dr. Bullions, the Court adjudged his conduct worthy of rebuke, but did not proceed to inflict any censure till after the silence was removed as before stated. When silence was imposed by the moderator upon Dr. Bullions, he complied with the order, but I can not say that he obeyed immediately. I have an indistinct recollection that something was said about sending for an officer to remove him. While the Doctor was called upon to submit to the rebuke, he refused to submit to it, and protested against it, and appealed to Synod; but his protest was not admitted. And he then protested against the rejection of his protest, which was, and I believe always is admitted. Presbytery has a right to reject the protest in the first instance according to the Book of Discipline, part 3d, article 12th. If the protest is rejected, they have a right to proceed in the business and trial. And if they should find him guilty they have a right to pass judgment and depose or excommunicate the accused. I do not recollect any other authority than the one cited, but such is the practice. I would add that without such power a culprit could at any time nullify any decision or business before the lower court by protesting against the decisions. The principle or ground of the right of protest is that the party protesting, professes to consider himself aggrieved, and the lower court are willing that he have a further hearing before the higher courts, but it does not imply that the lower court believe they have been guilty of any injustice in their proceedings. There is no written rule suspending proceedings on a protest against an

act which would produce an irremediable evil. In such a cause as that however the practice would be to admit the protest. In case for instance there was a protest against the celebration of a marriage, and that protest not admitted, I presume the court would not actually proceed though I am aware of no written rule to prevent them. In such case delay of the marriage would I presume be the less evil.

The effect of receiving a protest against the rejection of a protest would be in the first place when accompanied by an appeal, to send the cause to the higher court, and no protest can be admitted without an appeal to the higher court. A second protest accompanied by an appeal necessarily takes the case to the higher court. The appeal necessarily takes the cause to the higher court, together with all the subsequent proceedings. I would refer to page 61, article 12, part 3d of the Book of Discipline, as authority for this.

At the meeting of Presbytery, commencing October 4th, it was repeatedly intimated in substance, that Dr. Bullions would not be held responsible for the reports for the mere mention of them there, provided he concurred with the court in investigating them. When I say "concurred" I mean using all the means in his power to have the truth brought out, and when I say "he would not be held responsible" I mean, if he were not found to be the author of them. I do not give this answer as having occurred in so many words, but in substance, it occurred as I have stated. Dr. Bullions did not comply with these intimations. I do not recollect his particular words, but that he neither retracted his offensive expressions, nor submitted to the censure of the Court, nor acted in concurrence with the Court for the investigation of the charges made by him. He was required to give the ground upon which he made his charge, or concur with the Court in investigating the same; this he did not do.

A letter is produced by Complainants, and marked as Exhibit H, which the witness says is the one alluded to in the former part of his testimony, as being in his possession. This document is objected to by Mr. Allen, of counsel for Defendants, on the same grounds as to the previous part of the testimony of this witness. Objection over-ruled and the evidence received by the examiner.

The witness says that he would explain what he formerly stated relative to the only backing on the letter being in the hand-writing of Dr. Bullions, as follows:—the direction of the letter is all that is in his hand-writing on the back—that is as follows:—

"Rev. A. Bullions, D. D.
Cambridge,
N. Y."

The post note is as follows:—"N. B. Let Mr. D. Gordon have a reading of the above."

Complainants' counsel, produces another letter which the witness states he believes to be the one, which he stated was in the possession of Mr. Miller, and which letter is marked as Exhibit I on part of Complainants. I have seen the letter before—saw it in the possession of Mr. Miller, before the meeting of the Presbytery—don't recollect of seeing it at the meeting of Presbytery—saw it afterwards at a subsequent meeting of the Presbytery in Argyle.

Question—What was the sentence passed upon Dr. Bullions, at this meeting of the Presbytery held October 4th 1837?

Question objected to on the grounds before stated. Evidence received. Witness answers, he was first adjudged to a rebuke, but upon his refusing to submit to that, the Presbytery was finally shut up to suspend him from the exercise of the ministry and the fellowship of the Church.

Question.—Was there any other censure or course proper for Presbytery to adopt under the circumstances?

Objected to by Mr. Allen, on same grounds as before. Evidence received by the Examiner. I do not know of any other. The sentence passed by Presbytery, was the lesser sentence of excommunication. Before the sentence of suspension was finally passed by Presbytery, Dr. Bullions gave nothing which the Presbytery could consider as evidence of submission or repentance. Two ministers and an elder must be present at a Presbytery, to constitute a quorum according to the Book of Discipline, part 1st, article 4th. I have no recollection that at this meeting any member of Presbytery was deprived of the privilege of speaking or voting on the case of Dr. Bullions. The next meeting of Presbytery was a *pro re natu* meeting, called at Cambridge, and convened there about a month after the meeting at Argyle. At that meeting every member of the Presbytery was present, with an exception of an elder from the Putnam Congregation. At that meeting Thomas Goodwillie, William Pringle, and Archibald White second, were excluded from voting on the case of Dr. Bullions. I was a member of that Presbytery and was present. The grounds of this exclusion were relationship and manifest partiality; Mr. Goodwillie being the brother-in-law of Dr. Bullions, and Mr. Pringle his son-in-law—and they together with Mr. White, adjudged also to have shown great partiality—their exclusion was according to the rule laid down in the collection of Perdivan, in book 4th, title 5th, section 9th, and on page 194 and 195.

It is the practice of the Associate Church to exclude members from being judges in case they are relatives of the accused. It is always done when objections are made.

I consider the exclusion of the three persons I have named as proper, according to the book of discipline. This was a *pro re natu* meeting, called for the purpose of hearing the repentance of Dr. Bullions. That is, Dr. Bullions had given some reason to expect that he would on this occasion make submission or confession, that would be satisfactory to the termination of the difficulties. There were commissioners present at the meeting of Presbytery on the part of the Cambridge Congregation. The call served on me by the moderator, contained a statement that the meeting was called by the desire of the Congregation of Cambridge; but I do not remember whether this call was in writing. Mr. Allen objects to the testimony on the ground that it is hearsay, and information only, and not proper evidence. Objection over-ruled and the evidence received.

The commissioners present at this meeting, claiming to represent the Congregation of Cambridge, were John Robertson and James Lourie.

Question by Mr. Fairchild.—Did you hear those two commissioners state, before Presbytery, the object for which they requested this meeting to be called in the presence of Dr. Bullions? Question objected by Mr. Allen, of counsel for Defendants, as irrelevant and immaterial, and calling for hearsay testimony, and that the minutes of the Presbytery and the Congregation of Cambridge will best show what were the proceedings. Objection over-ruled by the examiner, and evidence received.

The witness states that the commissioners from the Congregation of Cambridge stated in the presence of Dr. Bullions and before the Presbytery, that they considered that they had evidence to believe that the Doctor would now comply with order so that the difficulties might be satisfactorily terminated—this is the substance of what they stated, but I do not pretend to give their identical words. Doctor Bullions made no objections against this statement.

At this meeting he did not make any confession or submission, but he delivered a statement which was adjudged wholly accusatory in its nature of the Presbytery. What I have now stated took place when the Presbytery first entered on its business.

Question by Mr. Fairchild, of counsel for Complainants.—Do you know whether previous to this time, Presbytery had occasion frequently to censure Dr. Bullions for contemptuous conduct and unfounded statements, or other departure from duty? Question objected by Mr. Allen, of counsel for Defendants on the same grounds as given before. Evidence received by the examiner.

The witness states that since the year 1830, Dr. Bullions had been repeatedly found guilty of misconduct and delinquencies, and censured for them by Presbytery, Synod, and commission of Synod. He got along with these cases by retracting or submitting to Presbytery or other Courts.

Question by Mr. Fairchild.—Had any thing occurred, to induce the belief that these submissions were insincere? Question objected to as asking for the opinion of the witness, and as to his belief. Question amended by adding when and where did these things occur, and state the same.

By the commission which sat in Salem, in 1832, Dr. Bullions was found guilty of a number of instances of violations of duty, for which he was admonished, and submitted to the admonitions of the commissioners, and afterwards gave out that though he submitted, he did not admit the truth or justice of the decision, notwithstanding his confession and submission to it. And at a meeting of the Presbytery of Cambridge, after the meeting of Synod in 1834, suspension was removed from him upon his agreeing to certain requisitions appointed to be made of him by Synod, one of which was that he should never or no more cause the agitation in the Church, of those matters for which he had been suspended. He confessed his sin and professed his sorrow for his part in these matters, and solemnly agreed to their requisitions; nevertheless revived them, and renewed these troubles so that it became necessary for Presbytery to take it up again. There were other instances, but I could not give the dates of them, when he confessed his sin and professed his sorrow, and would again repeat the same conduct. I would add that after having thus conducted, he did at Argyle, at a meeting of Presbytery, declare publicly that for all the matters for which he had been censured by Presbytery, Synod and Commission, he had never confessed sin before God, and that an unsuitable reading of a portion of scripture had given him more concern, or words to that effect. Presbytery at the *pro re natu* meeting in Cambridge, for these reasons, passed a resolution that strong evidence of sincere repentance was necessary to satisfy Presbytery, according to common sense, and the rule in *Perdivan's Collection*, book 4th, title first, section 7th. Also the book of discipline, part 3d, article 9th. Submitting to censure does not always imply confession and repentance, but in a general way it does.

If a person is convicted of a sin, restoration without an acknowledgement and repentance, would be contrary to the principles of the Associate Church. At the *pro re natu* meeting in Cambridge requisitions were drawn up for Dr. Bullions to comply with, which are I believe contained in the minutes. The Doctor was not required at the *pro re natu* meeting in Cambridge to answer all the requisitions. The reason was, that he should have time allowed him to answer them except one which he was required to answer immediately—this was the fifth requisition. The Fifth requisition is as follows:—That Dr. Bullions either retract his declarations, as unfounded and slanderous—that four members of this Presbytery are unfit to set as members of this court on sup-

position of certain reports in possession of Messrs. Peter Gordon and George Mairs, are true, or on the other hand, that he pledge himself to Presbytery to produce these reports for Presbytery's judgment, and in the latter case, that he remain under suspension till he produce them to Presbytery. Dr. Bullions answered affirmatively, that he retracted as the said requisition requires, as unfounded and slandersus the declaration that four members of this Presbytery are unfit to set as members of this court on supposition that certain reports in possession of Messrs. Peter Gordon and George Mairs are true.

I do not remember, that any new sentence or censure, was inflicted on Dr. Bullions at this meeting, I know there was no new sentence or censure inflicted—there was nothing but a refusal to remove the censure which had been previously inflicted. His case was not brought to an end at this time. Dr. Bullions had time given him to prepare his answers to the other requisitions till the next meeting of Presbytery which was at the Associate Church in Salem about a month after. He was required to be present at that meeting and to give in his answers to the remaining requisitions.

That meeting was held at the appointed time at the church of the Associate Congregation in Salem, by adjournment I believe. At this meeting there were present more members than were necessary to form a quorum. Dr. Bullions was present at this meeting. He handed in his answers in writing to requisitions. Presbytery considered them evasive and not satisfactory.

Dr. Bullions at that meeting expressly refused to confess that he was unfeignedly sorry for the slanderous charge contained in the fifth requisition.

Mr. Stalker was excluded from a vote at this meeting of Presbytery.

Mr. Stalker was excluded at this time because he had so prejudged the case so as to make himself a party. This exclusion was lawful according to the rules of the Associate Church. See book 4th, title 5th, section 9th of Perdivan. I do not remember that on this occasion any other member was excluded. This Presbytery was rightly constituted according to the rules of government of the Associate Church. And as such, had jurisdiction over the case of Dr. Bullions. The proceedings of the Presbytery were regular according to the rules of procedure of the Associate Church. At the meeting of the Presbytery in Salem I stated publicly before the Presbytery closed its session, and about the time of its closing, in the presence of Dr. Bullions, that Dr. Bullions himself had written or caused to be written the slanderous letters against members of Presbytery, to which he had referred at the meeting of Presbytery in Argyle, commencing October 4th, 1837. I added that he had circulated them to different persons, and one had come to me.

Dr. Bullions made no complaint to Presbytery of this statement. John Robertson required that the statement should be recorded; the meaning of its being recorded, is, that it might afterwards be called up and investigated as to the truth or falsehood of it. I was put on trial for making this apparently slanderous statement, and held accountable for it.

Question.—When did your trial come on? This question objected to by Mr. Allen, as irrelevant, immaterial, and not within the issue.

The examiner over-ruled the objection and received the testimony.

My trial came on at a Presbyterial meeting which was held at the church of the Associate Congregation in Salem, on the 7th day of March, in the year 1838. It was unanimously decided at that meeting that I had proved the truth of my statement.

Order was then taken to put Dr. Bullions on trial for writing or causing to be written or circulating these slanderous letters. Dr. Bullions was cited to appear at the next meeting of Presbytery. This citation was with certification,

that if he failed to appear, Presbytery would decide upon that case, accumulating it with his other offences.

At the meeting of Presbytery, at which I made the expression against Dr. Bullions, it was recorded as a faulty expression, which any one could call up that pleased; it was called up at a meeting of Presbytery held at the Church of the Associate Congregation in Hebron, in February, 1838. I was then ordered to be put on trial, and such trial came on in March, as before stated.—At the meeting of Presbytery in February, 1838, at Hebron, Dr. Bullions sent in a total declinature of the authority of Presbytery; this certainly was not a lawful declinature, because it totally disowned the authority of the court over him, and denied the right constitution of the court. See collection by Stewart of Perdivan, book 4th, title 5th, section 9th, sentence second.

Dr. Bullions was cited to appear, and be tried with certification, as before stated, which was issued at the meeting held in Salem, on the 7th day of March, in the year 1838, which citation was returnable at a meeting of Presbytery, appointed to be held at Mr. Miller's Church, in Argyle, on the second Tuesday of April then next.

This meeting of Presbytery was duly held at the time appointed. That Presbytery was rightly constituted. There was testimony before the Presbytery that the citation before issued had been duly served, and his written refusal to attend, comprehending also his renewed declinature of the authority of Presbytery.

The Presbytery, at this time, certainly had jurisdiction over the Doctor and over the case. He did not appear at all before Presbytery on this occasion.

Presbytery, after waiting till the last day appointed for it, to wit, Thursday the 12th day of April, 1838, proceeded to try the case. According to the certification, Presbytery proceeded to try him in his absence, and found him guilty in the matters charged relative to the anonymous letters, and accumulated it with his other offences, and pronounced a sentence of deposition upon him as he was adjudged worthy. The proceedings against Dr. Bullions on this occasion were regular and according to the rules of government of the Associate Church. I do not remember of any dissenting vote on the occasion. For the authority, as to the regularity of the proceedings against Dr. Bullions on the last trial above mentioned in his absence, I would refer to the Book of Discipline, part third, article second, toward the bottom of the page. I consider Dr. Bullions as unlawfully absent on this occasion. See collection by Stewart of Perdivan, book 4th, title 3rd, section 19th, also 22nd section of same title. And in form of process attached to the collections by Stewart of Perdivan, in chapter 7th, paragraph 6th. At this meeting of Presbytery I do not remember that any member was excluded from voting. The renewed declinature of Dr. Bullions sent in by Dr. Bullions, accompanied with his written refusal to appear, was not a lawful declinature, it was of the same character with the preceding declinature.

The deposition inflicted by the Presbytery on this occasion was accompanied with a suspension from the fellowship of the Church, which is the same thing as is commonly called the lesser sentence of excommunication. A sentence of suspension is not in all cases equivalent to the lesser sentence of excommunication; a suspension for trial is not a censure, but merely a necessary precautionary measure. The effect of a suspension for trial is to suspend the member from church privileges till a trial can be had. See Book of Discipline, page 56.

The case of Dr. Bullions was afterwards before Synod at the meeting in Philadelphia, in May, 1838. It came before Synod by consent of Cambridge

Presbytery. See minutes of Synod for the year 1838, and on the 26th page. See "Exhibit B" on the part of Complainants.

I was present at this meeting of Synod; this Synod was certainly rightly constituted and regularly convened, and it certainly had lawful jurisdiction and full authority over the case of Dr. Bullions when before it.

It was regular for the Synod to proceed in the case, although Dr. Bullions had not taken all the regular steps to bring the case properly up, provided the Presbytery of Cambridge consented to its coming before Synod.

Synod had a right to judge and finally determine the question as to the correctness or incorrectness of the deed of the Presbytery of Cambridge, deposing Dr. Bullions. As authority for this, see Book of Discipline, part first, article 5th.

The question on the proceedings of Presbytery, as to the case of Dr. Bullions was fully before Synod by the consent of Presbytery and of Dr. Bullions.

Question by Mr. Fairchild, of counsel for Complainants.—Do you know whether Synod heard all the evidence, pleadings and arguments offered by Dr. Bullions, or to sustain the proceedings of Presbytery against him, before Synod finally passed on the case?

Mr. Allen objects to the question on the grounds that parole evidence should not be given of what can only be proved by the minutes of Synod.

Objection over-ruled and the evidence received by the examiner.

Answer by the witness—I do know that Synod heard all the evidence, pleadings and arguments offered by Dr. Bullions, or to sustain the proceedings of Presbytery against him, before Synod finally passed on the case.

Dr. Bullions conducted his own case and argued it in person.

The final decision of the Synod appears on Exhibit B, page 30; the decision, as there stated as being given by Synod is correctly entered on the minutes. I know some of the persons who voted in the negative, they were nine in number, 37 and the moderator voted in the affirmative. David Goodwillie, one of the members who voted in the negative, is a brother-in-law of Dr. Bullions, and was at the time of voting. Dr. Bullions married Mr. Goodwillie's sister, who was his first wife; she is not living, and was not at this time. Some of Dr. Bullions' children, by his first wife, are living—I know several of them that are now living. The decision of Synod in Dr. Bullions' case was final. According to the rules of church courts no one could move for a re-consideration unless he had voted in the affirmative, when the ayes had a majority as was the case here. I recollect that the resolution of Synod, by which it declares that Dr. Bullions has no right, under his protest, to exercise his ministry, was passed by Synod, as is stated on the minutes of Synod for the year 1838. See page 30 of Exhibit B, on the part of Complainants.

The request of Dr. Bullions on said page 30, for time to make and draw up his protest, was verbal at that time, and no written protest was then given.

Question by Mr. Fairchild of counsel for Complainants.—In the protest thus verbally made, did Dr. Bullions say any thing which amounts to a declination? Question objected to by Mr. Allen of counsel for Defendants on the ground that the minutes shew what he did say, and parole evidence of such statement is improper and calls for the opinion of the witness. Objection over-ruled by the examiner, and the evidence received.

The witness states that he did not at that time say any thing which amounted to a declination. I was a member of Synod in the year 1839; it met in Pittsburgh in May, 1839.

Question by Mr. Fairchild of counsel for Complainants. Look on page 23 of Exhibit A, on part of Complainants. Is the matter on said page commencing with the words,—“The subscriber protests,” and ending on page 24 with the signature of “Alexander Bullions,” a protest simply or any more, and if more, what ? declare.

The question is objected to by Mr. Allen, of counsel for Defendants, as not asking for any fact, but merely the opinion of the witness. The objection is over-ruled by the Examiner, and the witness testifies. The conclusion of that paper undoubtedly makes it in substance a declinature. It is not a lawful declinature according to the books. The nature of a protest when made against the decision of the highest court, is a strong expression of non-agreement in judgement with the court, but does not warrant a disobedience of the sentence. Such is the principle and practice of the Associate Church.

Question by Mr. Fairchild, of counsel for Complainants—Do other Presbyterian denominations allow a protest against the decision of the highest court ?

This question objected to by Mr. Allen, of counsel for Defendants, as irrelevant and immaterial. The question is waived for the present. It belongs to the Supreme Court, and it is their right and power to require present submission to their decisions.

Question by Mr. Fairchild, of counsel for Complainants—What is the effect of the belief of an individual, that the decision of the court against him is unjust upon the question, whether he shall obey that decision ?

Answer by the witness—As to his obedience to the decision, I do not know of any difference it should make provided the decision is not such, as to be an imposition upon his conscience.

Question by Mr. Fairchild—If he cannot conscientiously submit to the decision, can he, or can he not refuse to submit, and retain his fellowship and standing in the church. The question is objected to by Mr. Allen, of counsel for Defendants, as leading and substantially the same question as already put.

Objection over-ruled and evidence received. Answer—He certainly cannot remain in the church, without submitting to the authority of its courts. I would quote as authority for this, the 6th question of the formula of the ordination vows, in which such submission is expressly engaged to, as indispensable to ordination to office in the church. Synod referred Dr. Bullions back to the Presbytery of Cambridge for dealing. This the Synod had lawful right to do. The resolution of Synod referring Dr. Bullions to the Presbytery of Cambridge, will be found on page 31 of Exhibit B. According to the rules of government of the Associate Church, Synod had a right to make this reference. See Book of discipline, part 1st, article 5th. Dr. Bullions, according to the rules of government and discipline, of the Associate Church, had no right to go to any other Presbytery, than the Cambridge Presbytery, to get restored. I would refer for authority to the form of process in Perdivan, chapter 1st, paragraph 6th. It is also necessarily implied in the duties and powers ascribed to Presbyteries, in the 4th article of part 1st, of the Book of discipline.

If in such case any other Presbytery should assume to act, such act would not only be censurable, but in itself null and void. See Stewart of Perdivan, book 4th, title 5th and section 6th.

Question by Mr. Fairchild, of counsel for Complainants—Was there an appointment made by Synod as stated on page 31 of Exhibit B, of two ministers to act as commissioners from Synod in the Congregation of Cambridge ?

Mr. Allen objects to the question as improper, because parole evidence of this fact is improper. **Objection over-ruled, and evidence received by the examiner.**

The witness states, that Synod did make the appointment as is there stated.

Question by Mr. Fairchild—Had Synod the right so to do according to the government, discipline and practice of the Associate Church?

The question is objected to, because there is no foundation for it in the bill. Objection over-ruled, and evidence received by the examiner.

Synod had the right to make this appointment according to the government, discipline and practice of the Associate Church. See Perdivan, book 1st, title 13th; see also, "Overtures concerning discipline" page 617. This last authority is substantially the same as that in Perdivan. The Trustees or Congregation of an Associate Church have no right to refuse a minister in good standing sent them as a supply for a short season by order of Presbytery or Synod. I would refer for authority to the Book of Discipline, part 1st, article 4th, and about the middle clause. See page 11 of Exhibit A, on part of Defendants. The same is also necessarily implied in article 5th of the Book of Discipline, which treats of the duty of Synod. I was present at a meeting of the Presbytery of Cambridge held at the church of the Associate Congregation in Salem some time in the month of June, in the year 1838.

Question by Mr. Fairchild—Do you know whether, and if so, were Commissioners present at this meeting on the part of the Congregation of Cambridge?

Question objected to by Mr. Allen, as being by parole. Objection over-ruled and evidence received.

There were some persons there in that character; John Robertson was one of them, and I think James Lourie was another. Presbytery gave an answer to a question asked by these Commissioners. This answer was a deed of Presbytery. Mr. Fairchild, of counsel for Complainants, offers in evidence a paper purporting to be an extract from the minutes of Presbytery, and which the witness states is a true copy of the minutes, and which is marked as Exhibit K, on the part of the Complainants. The witness further states, that he has examined the extract produced, and compared the same with the minutes of the Presbytery of Cambridge in the Book of Records kept by the Clerk of that Presbytery, and the paper produced is a true extract from those minutes.

According to the standard of the Church, Presbytery had a right to pass the deed contained in Exhibit K. See Book of Discipline, part 1st, article 4th, near the top of page 11.

Question by Mr. Fairchild—Did or did not Synod refuse to hear a memorial from persons adhering to Dr. Bullions, on the ground that those adhering to him, and attending upon his ministry, were not in fellowship with the Associate Church?

The question is objected to by Mr. Allen, on the ground that the minutes of the Synod ought to be produced, and because it is matter which has occurred since the filing of the bill in this cause. The objection is over-ruled by the Examiner, and the evidence received.

The witness states, that on page 13 of Exhibit A, on part of Complainants, now shewn to him, will be found this decision of Synod. It was then decided that a petition from them was inadmissible, because they were in a disorderly state; the reason is not assigned on page 13.

Question by Mr. Fairchild—Did you or not act as moderator of the session of the Associate Congregation of Cambridge at the time those who claimed to be the Trustees of said Congregation, were on their trial before that Session?

This question was objected to by Mr. Allen, because it is immaterial and irrelevant, and because it is matter which has occurred since the commence-

ment of this suit, and that the distinct matter has been decidedly disposed of by the decision of the Chancellor. The objection is over-ruled by the Examiner, and the evidence received.

Mr. Fairchild, of counsel for Complainant, produces a paper which is marked as Exhibit L, on part of Complainants, and which the witness states he has compared with the original minutes of the session of Cambridge as contained on the record book of that session, and such paper marked as Exhibit L, contains a true and faithful extract from such minutes.

There is an omission in the record book however. The record book omits to state in the minutes of a meeting held September 20, 1839, near the close of the proceedings of that meeting, that those who had been cited twice to appear before session should now be cited, a third time with certification that if they did not appear the session would proceed in their absence. This was in fact ordered at that session, and should have been placed in the minutes.

The proceedings mentioned in this exhibit, were regular and legal according to the standard of the Associate Church. The session at each of the meetings mentioned in Exhibit L, was rightly constituted, and had jurisdiction over each of the cases tried.

At the meeting of Presbytery held at Argyle in October, 1837, I acted until the stated clerk arrived as clerk pro tem, and recorded Dr. Bullions' expression referred to in the fore part of this deposition on the minutes of Presbytery as an "insinuation" because he did not give the statement as from his own direct knowledge. According to the principles of the Associate Church the decease of a wife or husband does not dissolve the relation between the survivors.—A decision of a church court would be an imposition on the conscience if it would require a man to do any thing contrary to the word of God, but a decision requiring him to suffer more than he justly might, cannot, in all cases, be so called. This is made as an explanation of what is stated in a previous part of my deposition. The Associate Synod of North America is the supreme judicatory in our church. There is no other Synod in our Church.

D. GORDON.

Sworn, examined and subscribed }
before me this 21st day of Oc- }
tober, in the year 1841.

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY:
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. }
ALEXANDER BULLIONS, *et al.* }

David Gordon, a witness, produced on the part of Complainants in this cause and examined by Mr. Fairchild, of counsel for said Complainants, and now cross-examined by Mr. Allen, of counsel for Defendants, deposeth as follows, viz:—

The first proceedings against Dr. Bullions, in Presbytery, which ended in his deposition commenced on the 4th of October, in the year 1839, at the meeting of Presbytery held at Argyle. When that meeting opened, Dr. Bullions, was a regular minister in good standing in the Associate Church. The min-

isterial members present at the meeting of Presbytery, held at Argyle, were Messrs. Stalker, Bullions, A. Gordon and D. Gordon and Mr. Miller. There was no other member of this Presbytery, than Dr. Bullions of the same name. I was clerk pro tem of the meeting, till the arrival of the stated clerk. The ruling elders present, were Messrs. John Robertson, Benjamin Skellie, John Henry, John T. Law and George Boyd. Mr. Miller was moderator at the time of the commencement of the session of Presbytery. The business in which Mr. Stalker was concerned, was the first business of Presbytery—That business, was to investigate a complaint made by Mr. Stalker previously, against Messrs. Miller and Anderson. Dr. Bullions did request to be excused from acting on that business. His request was not granted. Dr. Bullions as is truly stated on the minute book, from considerations of propriety requested, leave to decline sitting on this case. Not granted.

Question by Mr. Allen—Was Mr. A. Gordon chosen moderator in the place of Mr. Miller, on the trial on the complaint of Mr. Stalker, against Miller and Anderson. Objected to by Mr. Fairchild, on the ground that it is immaterial and irrelevant and not written in the issue, as is also all the evidence which has or may be given touching the trial of Messrs. Miller and Anderson, which is also objected to. Objection over-ruled and evidence received by the Examiner.

The witness answers, that Mr. A. Gordon was chosen moderator in the place of Mr. Miller, for the purposes of this trial. The request of Dr. Bullions to be excused was unanimously denied, for I do not recollect any dissenting voice. The question and answer is objected to, because the minutes are proper evidence to prove the fact. Objection over-ruled. Mr. Fairchild, also objects that it is within the general objection before made. This objection also over-ruled and the evidence is received by the Examiner. Members of a court on trial are not entitled to take a part in the proceedings where they are parties.

In the case of Mr. Stalker, he could not be a judge, on the case against Messrs. Miller and Anderson, because he was the accuser.

Mr. Miller objected to Dr. Bullions sitting on the case of Stalker's complaint, on the ground that he was involved as being at the foundation of it. I believe there was a decision of Presbytery on that objection. The decision was that Mr. Miller's objection was not supported by proof. Against which decision Mr. Miller protested and appealed to Synod. This being a negative decision did not stay the proceedings of the trial. The protest being received, did not stay the proceeding nor did the appeal to Synod. The trial was proceeded with. The minutes of the proceedings of the fourth day of October, give a true history of the proceedings of Presbytery on that day. There was no ground of censure against Dr. Bullions which arose on this day. What took place against him arose on the fifth day of October. On that day, at the opening of the meeting, Mr. Anderson was absent, as also John Robertson. The occasion which led to the remarks of Dr. Bullions, arose at the very opening of the meeting, or immediately after its commencement. Dr. Bullions proposed that the business about to be taken up, should be postponed till a fuller meeting. Upon that proposal he went on to make that assertion relative to members that were present that were not fit to sit in court. At the time these proceedings were recorded, I was clerk, and took down the words of Dr. Bullions. I have a distant recollection of the words used by Dr. Bullions. They are recorded on the book of minutes. The word "insinuated" is a word of mine, as also "member or members." He used the expressions repeatedly, with a little variation. The words he used were—"there were

some members present unfit to sit in any court." He also said that—"if reports were true, there were some members not fit to sit in that court." This was in connexion with the remarks before specified. He varied this in several different ways. One minute afterwards he stated that he did not say so, but only stated what was reported, and if that was censurable, Presbytery might censure him till they were tired. This was as soon as the minute was read in his hearing, that he made this statement.

Question by Mr. Allen.—Did Dr. Bullions say that if these reports were true, they might censure him till they were tired, or did he say that if they imputed to him the words charged, he would never acknowledge them, and they might censure him till they were tired? Mr. Fairchild objects to the question, because the minutes are the only proper evidence of what Dr. Bullions said. Objection over-ruled and the evidence received by the examiner.

Witness answers that he remembers distinctly what he has stated, but he does not remember that Dr. Bullions said so. Dr. Bullions having in his remarks, insinuated that some member or members present were unfit to sit in any court, it was on motion resolved, that he be required to give the names. The question arising respecting the minutes, the moderator decided that it was out of order; an appeal was taken and sustained; the minute was then filled up as follows, viz:

Dr. Bullions refused to give names by denying his former words, and in his remarks said "Presbytery might censure him till they were tired."

Question by Mr. Allen.—In what connexion were the words used by Dr. Bullions that "Presbytery might censure him till they were tired." The question objected to by Mr. Fairchild, because the minutes are the best evidence, and they have no right to give evidence of any thing not contained in them. Objection over-ruled and the evidence received by the examiner.

Dr. Bullions denied that he had said so concerning members—that he had only stated what was reported, and if that was censurable they might censure him till they were tired. It is not censurable of itself for a member of a court to state in open court that there are unfavorable reports concerning other members provided he will concur as I said before, in investigating them. The slander and contempt consisted chiefly in saying that members present were unfit to sit in any court.

Same objection is made by Mr. Fairchild—contempt was also in refusing to give the names when called for by the Presbytery. He was silenced for boisterous and noisy conduct, which prevented others from speaking and for disobeying orders when called to order.

Mr. Fairchild objects to all evidence of any matters occurring in Presbytery, excepting the minutes of Presbytery; that the minutes are the best evidence, and that they have no right to prove any thing not contained in them. I do not know that I could be more specific than I have been. The minutes giving the history of the matter are correct and better than my memory. The minutes state that "Dr. Bullions, for disobedience to the moderator, was deprived of the privilege of debate for this sitting. It was on motion resolved, that Dr. Bullions be censured for contempt of court in the above slanderous insinuations and expressions, on motion resolved, that the censure due to Dr. Bullions be rebuke." These motions were made and passed while Dr. Bullions was under imposition of silence.

The minutes state that "Dr. Bullions entered his protest against the minutes, recording his expression, and appealed. Protest not admitted. Dr. Bullions protested against not admitting his protest—which protest was admitted. Resolved, that as Mr. Skellie disagreed with the ministers, stating Dr. Bullions

exceptionable expression, he be required to give in his statement of that expression in writing. Mr. Skellie, gave in the following statement, viz:—That Dr. Bullions did not say that the members were not fit to sit in any court, but some were not fit to sit in this court.—(Signed) Benjamin Skellie.” The testimony last above taken, commencing with the words “*Resolved, that as Mr. Skellie*” is objected to as irrelevant, immaterial and not within the issue, by Mr. Fairchild of counsel for Complainants, but is received by the Examiner.

Question by Mr. Allen—How many ministerial members of Presbytery, were present at the trial of Messrs. Miller and Anderson on the complaint of Mr. Stalker, who were not in some way implicated or interested in the matter?

Answer—I do not know of any one interested or implicated in the matter beside Mr. Stalker, the accuser, and Messrs. Anderson and Miller, the accused. I do not recollect that Dr. Bullions stated that he was so interested that he could not sit as judge on the case. I do not remember precise reason he gave only the general reason on the minutes. I know of no interest that I had in the matter on trial directly or indirectly. The minutes state, that it was moved to take up Mr. Stalker’s complaint against Messrs. Miller and Anderson, and Presbytery did commence the same. At this stage papers were read. Mr. Anderson presented a paper objecting to Dr. Bullions sitting which was recorded. I have no recollection of this paper except from the minutes which are now before me.

At a meeting of Presbytery held on the 7th day of February, 1838, the minutes of Presbytery of the 5th of October, 1837, were filled up as follows, viz:—

“As Presbytery were about proceeding to pass the sentence of suspension, Dr. Bullions arose and proposed to give what he said in the morning or the substance of it, instead of what was recorded in the minutes as his expression, and in substance said, that what he said in the morning was ‘that if reports were true for which he would refer Presbytery to the Rev. George Mairs and the Rev. Peter Gordon, there were four members of this Presbytery not fit to sit in this court,’—stating moreover, that these four were Messrs. A. Gordon, D. Gordon, Miller and Anderson, and that what was charged against them, was error in doctrine and immorality in practice.’ I do not recollect on whose motion that minutes was filled up. I recollect the facts to be as stated in the minutes so filled up. The minutes of the 5th of October, 1837, further state as follows, viz:—“Proceeded to inflict the censure voted on Dr. Bullions. He refused to submit, and protested and appealed to Synod—protest not admitted. Dr. Bullions protested against the rejection of his protest—protest admitted. It was then on motion resolved, that Dr. Bullions be suspended from the exercise of his ministry and communion of the church till he give evidence of repentance. Voted six to two. Br. Bullions protested against this decision and appealed. Protest not admitted. He protested against the rejection of his protest, which protest was admitted.

The contumacy for which Dr. Bullions was suspended, consisted in his obstinate refusal, as I stated before, to retract or concur with the Presbytery in investigating the matter which he reported to be against members, or to submit to a rebuke for his expressions. At this time the Doctor had refused to concur with the Presbytery in investigating the truth of such reports, by refusing to endeavor to find evidence upon the truth of the matter. Dr. Bullions was called upon to furnish evidence of the reports that he gave.

Question by Mr. Allen—Was it out of the power of that court, after being furnished with the names of the witnesses, to proceed in the investigation of those reports without the concurrence of Dr. Bullions. The question is object-

ed to by Mr. Fairchild, that it does not appear that Dr. Bullions furnished the names of witnesses and also on the ground that the question is immaterial and irrelevant. The objection is over-ruled by the Examiner and the evidence received.

I do not say, nor have I said as to his furnishing the names of witnesses, but order required that when he asserted the existence of the reports he should have given the authority upon which he made that statement and concurred with the Presbytery in using all lawful means in his power to have the truth of these reports investigated, which he did not and would not. This is what I mean by the contumacy I spoke of. Mr. Allen objects to this answer, because it is not responsive to the question put. The counsel of the Complainants objects to the objection of Mr. Allen, being taken down by the Examiner, on the ground that it should have been made before the answer was taken down.

Question by Mr. Allen—Was it out of the power of that court to proceed in the investigation of the reports spoken of or charged by Dr. Bullions without his concurrence? Mr. Fairchild objects to the question as immaterial and irrelevant and not within the issue. Objection over-ruled by the Examiner, and the evidence received.

Answer—It was out of their power unless he concurred in some measure—I mean by some measure, unless he in some way intimated some sources of information, such as he did make by naming letters said to be in the possession of George Mairs and Peter Gordon. But it was not out of their power, although, he should not concur as duty required him, which he refused to do. This vote of suspension was a censure and was equal to the lesser sentence of excommunication, in this, that it suspended him from the fellowship of the Church. This suspension from the fellowship of the Church was the same thing as the lesser sentence of excommunication. The Presbytery were right in rejecting the protest and appeal of Dr. Bullions against that rebuke, passed upon him by vote of Presbytery.

Mr. Fairchild of counsel for Complainants, objects to the question and the evidence last taken, which was responsive to that question on the ground that it has no where appeared that Presbytery did reject the appeal. A protest unaccompanied by an appeal cannot be admitted. If the protest of Dr. Bullions against the sentence of rebuke had been admitted, would have stayed all proceedings. A protest admitted stays all proceedings. See Book of discipline part 3rd, article 12th; page 60th. And if the court reject the protest it may proceed to final sentence and judgment. As authority for this I would cite near the bottom of page 60, of the Book of discipline. The Presbytery had the right in the case of Dr. Bullions, to proceed in the business; but it would not have been in order to inflict the sentence of rebuke after the protest and appeal of Dr. Bullions, because it had been voted for terminations of the difficulty, and could not have been so, because the Doctor would not submit presently to the rebuke. A party on trial has the right to protest and appeal against the sentence of rebuke. The admitting of such a protest would stay the rebuke till the decision of Synod. If the court reject the protest and appeal they could proceed and inflict a higher censure, if the party refuse to submit to the lower censure. The effect of protesting against the rejection of a protest carries the cause to the higher judicatory, the Synod in this case; but the sentence of the lower court stands till reversed. A party can not consistently submit to any judgment of the lower court, where he protests at the same time against the sentence. It is the constitutional right of any party on trial to protest and appeal from any decision by which he may conceive himself aggrieved.

Question by Mr. Allen—Suppose a party who has protested and appealed from the infliction, a sentence of rebuke, or imposition of such sentence and whose protest has been rejected and who has protested against the rejection of that protest submits to the rebuke, and it is inflicted, and the Synod afterwards reverses the decision of the court below, how is the rebuke to be got back which they previously inflicted?

Answer—I would say that the case supposed by the question cannot occur.

The court proceeded in the infliction of the sentence of suspension from the ministry, and communion of the church, because Dr. Bullions would not submit to the sentence of rebuke. I never knew a court proceed to inflict a sentence of rebuke when a protest was interposed against it, whether a first or second protest.

I know it is the principle and practice of the Associate Church for a Presbytery to inflict sentence adjudged upon a party notwithstanding a second protest after the rejection of the first protest, but I can not now from recollection give an instance.

Question by Mr. Allen—Did you ever know the Presbytery of Cambridge after a second protest and appeal, to inflict sentence of suspension or any other censure, upon any other case than the case of Dr. Bullions? The question is objected to by Mr. Fairchild, of counsel for Complainants, as irrelevant and immaterial, and not within the issue, and that the minutes of Presbytery are the best evidence. The objection is over-ruled and the evidence received.

Answer—I never knew a case which would give the opportunity except the case of Dr. Bullions. I do not of my own personal knowledge, know of any such case in other Presbyteries, because, I have never been in any other Presbytery, when any such business was before them. I do not mean to say that such a case could be found in the books, but I think they can for this principle, I would quote the Book of discipline part 3rd, article 12th, at the bottom of page 60th. I know such to be the sense with which this is taken in the Associate Church. I know it from my personal knowledge. It is my understanding for one. The minutes of Synod in the case of Dr. Bullions, show that such is the understanding of Synod, in the fact that Synod sustained the proceedings of the Cambridge Presbytery.

Question by Mr. Allen—Do you know that there is a difference of opinion on this subject in the church?

There may be individuals of a different opinion, although, I could not at present name any. I was present at the meeting of Presbytery, which continued till the 6th of October, 1837. The ministerial members present were Messrs. Stalker, A. Gordon and D. Gordon and Miller; and Mr. Anderson came in during the meeting. On the morning of that day Dr. Bullions handed in a written paper signed by him. This last answer objected to by Mr. Fairchild.

Question by Mr. Allen—What was that paper?

The question is objected to, because the evidence is improper, irrelevant; also immaterial and not within the issue. Objection over-ruled, and the evidence received.

Mr. Fairchild requires the production of the paper before evidence is given of it. The following is a copy of this paper as taken by the witness from a narrative of the proceedings of the Associate Presbytery of Cambridge, which issued in the deposition of the Rev. D. Stalker, and of the Rev. A. Bullions, D. D., and published by A. Anderson, J. P. Miller and D. Gordon, the witness who were a Committee of Presbytery for that purpose.

“The subscriber being prevented yesterday from recording in the minutes

of the Presbytery his views of the language imputed to him and voted censurable, begs leave from a sense of duty to himself, to religion, to this court and to society, solemnly to declare in the presence of the Searcher of all hearts, that the language attributed to him does not convey the meaning he intended, and that he regards it as improper—disclaims it, and if used by him, expresses his sincere regret for having uttered it.

Argyle, October 6th, 1837.

ALEXANDER BULLIONS."

The minutes state, that "representation by Dr. Bullions was given in and referred to Messrs. Miller and Henry as a Committee before reading. The Committee reported against the present reading of it, it was therefore on motion laid on the table." I can not say that the paper was read in Presbytery at that meeting, for certainly I must refer to the minutes. It does not appear by the minutes that this paper was read at that meeting of the Presbytery in open court. It does appear by the minutes as follows:—

"A paper given in by Dr. Bullions having been verbally reported on by the Committee to whom it had been referred, was recommitted in order that a report on it be laid before the next meeting of Presbytery." I have no doubt but I voted in the affirmative on the resolution to censure Dr. Bullions at the meeting of Presbytery of the 5th of October, 1837. Neither have I any doubt but that I voted in the affirmative on the resolution to suspend him for contumacy till he gave evidence of repentance. I have no doubt also, that I voted in the affirmative on the resolutions to lay Dr. Bullion's paper on the table and to recommit same.

Question by Mr. Allen—Suppose a party should protest and appeal from the infliction of a sentence of suspension, and the court should admit it, how long would it stay the execution of the judgment provided the protest and appeal was not sustained?

Answer—It would depend on the manner in which the higher court might dispose of the case, or direct it to be disposed of. If the higher court should dispose of it themselves, of course they would terminate it, the meeting when they did so dispose of it, but if they referred it back to the inferior court, from which it came, for execution, the culprit could still protest again and place it where it was.

Question by Mr. Allen—Can a party, after an appeal, to a higher court from a definitive sentence of a Presbytery, has not been sustained, and he remitted to the Presbytery to receive the sentence appealed from, again protest and appeal, and stay the execution of the sentence?

Answer—He can not.

Question by Mr. Allen—How do you get along with the former answer in which you stated, that if a party was remitted back by Synod to Presbytery for execution of the sentence he could again protest and appeal, and place it where it was before?

Answer—I had understood that question to have proceeded upon the supposition, that a protest was always to stay proceedings in the court below, and of course a culprit might always protest and always stay proceedings.

Question by Mr. Allen—You state, that Dr. Bullions had repeatedly appealed against the infliction of punishment, which had been imposed by Synod.—This question waived.

Question by Mr. Allen—Was the effect of the suspension from the communion of the church, as in this case, to deprive Dr. Bullions of the right to preach till the suspension was removed, or what was the effect of the suspension of Dr. Bullions in this case?

Answer—It was according to order depriving him of the right to preach or

to partake in sealing ordinances, or to exercise any part of the ministerial office till that suspension was removed.

Question by Mr. Allen—Was that the case notwithstanding his protest and appeal?

Answer—It was.

Question by Mr. Allen—Can you give any instance when it has been adjudged either in this country or in Scotland in the Associate Church, that a minister should not have the right to preach under his protest, and appeal notwithstanding suspension by the inferior court?

Answer—I can not recollect an instance neither here nor in Scotland, because I do not remember any instance of a minister protesting against a suspension.

Question by Mr. Allen—Is a minister bound to submit to a decision of a church court right or wrong?

Answer—I do not know of any rule in these terms to submission any where in church or state.

Question by Mr. Allen—Suppose a church court clearly errs in the infliction of a sentence, and rejects the protest of the party, is the party notwithstanding, bound to submit to and obey it? The question is objected to as irrelevant, immaterial and not within the issue. Objection over-ruled and evidence received.

Answer—There is an ambiguity in the expression “clearly err” because I do not know to whom it is supposed to be clear, that they do err, because that a court should knowingly and wilfully give an unrighteous judgment can not be supposed, or if they should do so, such decision could not be acknowledged. I should consider it void; but it is not every error in the judgment of a court, that may be observed by a person adjudged that will warrant disobedience to the sentence.

Question by Mr. Allen—Suppose that the party judged conscientiously and sincerely believes that the sentence imposed is wrong and unjust, and protests and appeals, which protest is rejected by the Presbytery, is he bound against his conscience to submit to the judgment of the Presbytery?

Answer—I would say there is an outward submission to order to be given for the present while he has full liberty of conscience to retain his own view of the matter to be tried in due time in the superior court. One man's liberty of conscience can not be such as to encroach upon the liberty of the consciences of others, or condemn lawful authority. See confession of faith, chapter 20th, section 4th. See same on page 121st of exhibit G, on part of Complainants.

Question by Mr. Allen—Is the whole confession of faith received in the Associate Church.

Answer—It is received with explanation as given in the declaration and testimony of said Church. See Exhibit E, from page 68 to page 70.

Question by Mr. Allen—Will you explain what you mean by the phrase “one man's liberty of conscience can not be such as to encroach on the liberty of the consciences of others?”

Answer—An instance is, Papists plead conscience for destroying the lives of such as they judge heretics, while they can be allowed no such liberty, because it encroaches upon the conscientious rights and the natural rights of others.

Question by Mr. Allen—Would it not be encroaching on a man's conscience for a Presbytery to require him to assume and believe what he could not conscientiously believe?

Answer—I should think it would, but it can not be called an encroachment for a Presbytery to require a man to submit to order according to his solemn engagements, although he may plead conscience as his excuse.

Question by Mr. Allen—Suppose that a decided majority of a minister's own congregation conscientiously believe with him, that the sentence of Presbytery is unjust and the protest and appeal has been rejected by the Presbytery, are they with him all bound to submit against conscience and be deprived of the services of their minister?

Answer—It may be given as a comprehensive answer to questions on this point, that if minister or people cannot conscientiously submit to the authority of the courts of the church who are over them, they have just got to leave the church, because, it is perfectly absurd that any shall retain their privileges in the church and not be subject to its authority.

Question by Mr. Allen—Did not the Rev. Mr. Marshall and the Rev. Mr. Clarkson when they considered the sentence against them as unjust, declare themselves to be the Associate Presbytery of Pennsylvania and appeal to the Associate Synod of Scotland, and were sustained by that Synod? The question is objected to on the ground that it has not appeared by what body the decision against them was made, nor whether that body was subordinate to the Associate Synod of Scotland. The objection is over-ruled and the evidence received.

Answer—I am not aware of any sentence against these men that would give their case the remotest resemblance to any of the decisions of the courts upon which I have been examined. The answer is objected to, as directly evasive.

Question by Mr. Allen—You stated in your direct examination that if Presbytery had not the right to proceed on the rejection of a protest to judgment against the offender, he would always have it in his power to nullify any proceeding in the court below. Would it not be equally in the power of a Presbytery by rejecting the protest, to deprive a minister of his right to preach and his congregation to hear if they felt so disposed?

Answer—It would be in their power in the same way as is in the power of any court to practice oppression contrary to law, if they should feel so disposed, however such cannot well be supposed of a court of Christ's house. At the *pro re natu* meeting in Cambridge, in November, 1837, all the ministerial members were present I believe, but for certainty see minutes. At a *pro re natu* meeting, it is the duty of the moderator to give notice to all the ministers of such meeting. The ministerial members present, were Messrs. White, Stalker, Bullions, A. Gordon, Anderson, Goodwillie, Miller, Pringle and D. Gordon. At that meeting, as appears by the minutes, the following resolution was passed.

“Resolved, That Messrs. T. Goodwillie and Wm. Pringle have not a seat in Presbytery on this meeting, because they are related to Dr. Bullions by affinity, and because there is evidence that they are partial in his cause in their not attending on the meetings of Presbytery, except when his cause is on trial.”

The minutes further state which the witness says is a true record as follows: “It was moved to take the names separately in the resolution which was negatived.” I have no doubt I voted in the negative on that resolution, though I have no recollection. The effect of taking the two names, Messrs. Goodwillie and Pringle, in one resolution, was to deprive both of a vote upon it.

Question by Mr. Allen—Had you any intimation from any source, or had you any reason to believe, previous to the *pro re natu* meeting in November, 1837, that an attempt would be made, or a resolution passed to exclude Messrs. Goodwillie and Pringle from their seats in Presbytery at that meeting?

Answer—I do not remember any such intimation; and as to reasons for believing that such resolution would be offered, I myself knowing the grounds on which they were actually excluded, would have made such a motion if it had not been brought forward by another.

Question—Who made the motion to exclude them?

Answer—I do not remember.

Question—Who seconded the motion?

Answer—I do not remember.

Question—Did you intimate to any person, previous to, or at the meeting, that you would introduce a resolution to exclude them, if no one else did?

Answer—I do not remember, nor do I remember any conversation I had nor any that I heard on the subject.

Question—Which way did you vote on the resolution to exclude Messrs. Goodwillie and Pringle from their seats at the *pro re natu* meeting; objected to as immaterial. I have no doubt I voted in the affirmative.

Question—Was that resolution carried by the casting vote of the moderator?

Answer—I cannot speak from personal recollection with certainty, but refer to the minutes which is a true record. The minutes state as follows:—"The resolution recurring it was carried in the affirmative by the casting vote of the moderator."

Question—who was the moderator?

Answer—It was Mr. Miller.

Question—Was there a motion made after this to exclude Mr. White from a seat in the Presbytery at that meeting?

Answer—There was.

Question—Was that motion carried by the casting vote of the moderator?

Answer—It was carried, but I do not know by what vote; I refer to the minutes for certainty on that point.

Question—After this question was put and carried, was there a petition presented and read from the Associate Congregation in Cambridge for the restoration of Dr. Bullions?

Answer—I believe there was, but I must refer to the minutes for certainty. The minutes state as follows: "A petition from the Associate Congregation of Cambridge for the restoration of Dr. Bullions was given in and read."—The minutes also further state as follows:—"Dr. Bullions stated that, taking it for granted that the language attributed to him by Presbytery was his, he has the same view of it as Presbytery has; that the language was utterly wrong and improper, and that he would agree to submit to any censure which any court would judge proper. The paper laid in by Dr. Bullions at last meeting of Presbytery and the report of the committee of Presbytery on it, were called for and read, on which the following motions were made and carried.

A copy of those resolutions is hereto annexed and marked as Exbit B, on part of Defendants which exhibit contains also the requisitions which were made by Presbytery of Dr. Bullions and of his answers thereto which will be found on pages 104 and 105, and the answers to all but the fifth are on page 110, and the answer to the fifth requisition is on page 106, of the Record Book of Cambridge Presbytery.

Question—Did the Presbytery at the *pro re natu* meeting restore Dr. Bullions?

Answer—They did not restore him at that meeting.

Question—At the meeting on the 6th day of December, in the year 1837, at the Church of the Associate Congregation in Salem, were you present—question waived.

Question—Do you recollect of Dr. Bullions requesting Presbytery at the *pro re natu* in November, 1837, to proceed in the trial of the case, and that he would hold himself free from the obligation of submitting to the decision, if adverse, on account of the exclusion of certain members from the court.

Question objected to because of its irrelevancy, and if proper should be proved by the minutes. Objection over-ruled and evidence received. Answered, I do not remember of any such thing.

Question—In what particular instance was Dr. Bullions found guilty of delinquencies and misconduct, and repeatedly censured for them, and to which censures he has repeatedly made a formal submission, and as often retracted them since 1830?

Objection made by Mr. Fairchild generally and particularly that the instances are immaterial; objection over-ruled, also that, if proved, they should be proved by the minutes.

Answer—Dr. Bullions was found guilty of misconduct and a censure of rebuke inflicted on him by the Synod in the month of May, 1830; for the particulars of that misconduct I must refer to the minutes of Synod for 1830, which I have not here. The commission of Synod which sat in Salem in the year 1832, found Dr. Bullions guilty of misconduct for which an admonition was inflicted on him by them. For the particulars of that misconduct I must refer to the minutes of the commission which I have not here. Previous to the meeting of Synod in Baltimore, in 1834, at a meeting of Presbytery in Hebron, Dr. Bullions was guilty of misconduct, viz.: contempt and insubordination towards Presbytery, which consisted in his declaring before Presbytery, that he had reflected with himself whether it was not the Devil that was speaking through the court rather than the spirit of God, or words to that effect; that was the contempt, also a main business at that meeting was that in which he was particularly concerned, and he was expressly required to wait and attend upon it; he declared that, if Presbytery would not give him leave of absence, he would do as Foot did, take himself off, or words to that effect, and did actually go off laughing at the Presbytery; this was both contempt and insubordination; for the date of these things I would refer to the minutes of Presbytery. Between this time and the meeting of Synod which took place at the city of Baltimore the same year in October in the year 1834, he was suspended by Presbytery for misconduct. At the meeting of Synod in Baltimore, in October 1834, he was by the Synod found guilty of misconduct, and the suspension confirmed and continued; for greater certainty I would refer to the minutes of Synod for the year 1834. At a meeting of the Presbytery of Cambridge, March 3rd, 1836, Dr. Bullions was convicted of making a declaration which was without foundation and slanderous. He acknowledged it, and was adjudged to a rebuke and submitted to the same. For greater particularity I would refer to the minutes of the Presbytery.

Question.—Did the formal submission which you say he made in 1830, before Synod, grow out of a complaint originally made in Presbytery by you—waived.

Question.—Did the sentence of rebuke inflicted by the Synod in 1830, grow out of a complaint originally made in Presbytery by you. The question is objected to as irrelevant and immaterial, and if to be proved at all, must be proved by the minutes, as is also all other evidence of the like nature. Objection over-ruled and the evidence received.

Answer.—Properly speaking, I had not made a complaint against Dr. Bullions, but I believe that rebuke grew out of a difficulty, in which he and I were parties at issue before Presbytery.

Question.—What had the Presbytery done—had they not excused you for not attending on the lectures of Dr. Bullions?

Answer.—They had. For particulars see minutes.

This question and evidence is objected to on the grounds mentioned in last objection.

Question.—Had not the Presbytery found Dr. Bullions guilty of lying, out of which this grew, at the time of the rebuke in 1830?

Answer.—I cannot say from memory.

Question.—Do you mean to say or not that the Synod did or did not sustain Dr. Bullion's appeal on that occasion?

Answer.—I cannot answer as to the particulars of any such distant matters from memory. The minutes of commission to which I referred, are contained in a copy of the Religious Monitor, for the month of August, 1832, commencing on page 167, and continuing to page 190.

The further cross-examination of this witness is adjourned till the usual notice shall be given by the Complainants' Solicitor, by the agreement of the parties.

The cross-examination being read over to the witness before signing, he makes the following explanations:—At the close of folio 93, after the word "so," I would add as follows—"that is as the latter part of the question would seem to require." I would also explain my testimony as contained in folio 112, as follows—By adding at the close of the sentence relative to submitting to any judgment, as follows:

"The submission I there mean, is a full submission, with approbation of the sentence, which alone belonged in that case to the sentence of rebuke, but to such a sentence as that of suspension, a man ought to give an acquiescence in practice, though he may not approve of it, but protest and appeal against it, carrying it to the higher court."

Mr. Allen objects to this last alteration and addition, on the ground that it is new matter, not pretended by the witness to have been answered at the time of the original answer, as to which it is not complained that said original answer was not correctly taken down.

Mr. Crary objects to all supposable questions, requiring the opinion of the witness, in the cross-examination of the present witness, by Mr. Allen of counsel for Defendants.

D. GORDON.

Sworn, cross-examined, read to
and subscribed by the witness, }
Oct. 23d, 1841, before me, }

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } Further cross-deposition of DAVID GORDON.
ALEXANDER BULLIONS, *et al.* }

The Reverend David Gordon, a witness already produced on the part of the Complainants, in the above entitled cause and thereupon examined by Mr. Crary of counsel for said Complainants and cross examined by Mr. Allen of

counsel for Defendants, which examination having been adjourned by the agreement of the parties till the same should be duly brought on, pursuant to the usual notice, and the same being now brought on by such notice and the said witness being produced deposeth on his said further cross-examination as follows, viz—

I cannot certainly remember the names of the ministerial members present at the December meeting of the Presbytery in Salem. I think Mr. Anderson, Mr. Stalker, Mr. Miller, Dr. Bullions and myself were present, but for greater certainty I refer to the minutes. That was an adjourned meeting of Presbytery. The purpose of the adjournment, was to allow Dr. Bullions time to prepare his answers to the requisitions. Mr. Goodwillie and Mr. Pringle were neither of them I believe present at this meeting. I believe Dr. Bullions did not send in his declinature till after this meeting, but for dates I must refer to the minutes. Mr. Stalker was excluded from a seat on the case of Dr. Bullions at that meeting. He was present when he was excluded. The minutes are correct on all the particulars respecting the exclusion of Mr. Stalker. The minutes state all the evidence I believe, that was had or taken relative to his exclusion. I do not recollect of any other evidence being taken than what appears on the minutes. I have no doubt but that I voted in favor of excluding Mr. Stalker at that meeting. I have no doubt but, that at a previous meeting of Presbytery in November, '37, I voted to exclude the Rev. Archibald White from a seat in Presbytery on the case of Dr. Bullions. I do not recollect who made the motion to exclude Mr. Stalker from a seat. I do not recollect that I made that motion. I do not recollect that it was talked of before the meeting, that Mr. Stalker should be excluded. It was known previous to the meeting, that Mr. Stalker had prejudged the case in a written speech delivered in by him to Presbytery at the meeting in November previous—that speech was delivered in by him on the demand of Presbytery—it was not a common thing for Presbytery to demand a speech in writing because there never was exactly such a speech that I know of. When any written speech however contains any thing injurious or disorderly, it may be called for by Presbytery.

When Mr. Stalker's exclusion was voted I do not remember that any other ministerial members were present than Mr. Miller, Mr. Anderson, Dr. Bullions and myself.

It was at that meeting, after the exclusion of Mr. Stalker, that Dr. Bullions handed in his answers to the requisitions. I believe he handed in his answers to all of them at that time; as to exactness, I would refer to the minutes. The question I believe was taken on his answers to these requisitions. I do not remember that any of the answers were voted satisfactory. I do not recollect that the word "satisfactory" was used as to any one of them. I believe one of the answers was voted to be "accepted." This was the answer to the requisition relative to his appeal to the "searcher of hearts." I would refer for greater particularity to the minutes. I do not remember that the answer to the 5th requisition was voted satisfactory; the minutes however will shew. I do not remember that Dr. Bullions claimed to have the minutes of a former meeting amended, which purported to state his verbal answer to the fifth requisition, on the ground that at that meeting, he had handed in a written answer to that requisition, the same as he did at this meeting; but the minutes will shew. Mr. Anderson was the stated clerk at the meeting of Presbytery in Salem. I have no recollection of acting as clerk at any meeting of Presbytery, except the meeting at Argyle in October, 1837. I have no doubt but that I voted that the answers of Dr. Bullions to the requisitions were

- unsatisfactory, except the answer to the last requisition, on which I do not recollect how I voted.

At the meeting of Presbytery, when I declared Dr. Bullions to have been the author of the anonymous letters referred to, in my direct examination, he was then present. I have no recollection that any thing further was done on this point, than that Presbytery ordered my words to be recorded as a faulty expression. I do not recollect that Presbytery took any further action upon my declaration, than to record the same.

At the meeting of Presbytery in February after, I called up the matter and stated that there was an expression of mine recorded on the minutes as faulty, and wished to know if there was any one intended to prosecute it, if not, as I did not wish to have it standing there against me, I would claim it as my right to prove the truth of what I had stated—it was not properly on that remark of mine that Presbytery took action, but on the motion of another member. The ministerial members present at the meeting of Presbytery at Hebron in February, 1838, were Mr. Miller, Mr. Anderson, Alex. Gordon, and myself. I do not recollect of any other ministerial members present; but the minutes will shew. Dr. Bullions was not present; he sent in his declinature at that meeting. The case was taken up and a time fixed for the trial. The time appointed was in March, I think. Dr. Bullions was not present at the meeting in March. I do not know that Dr. Bullions was notified of that meeting, but Presbytery ordered that he should be notified. At the meeting in Salem, in March, 1838, the ministerial members present, were Messrs. Miller, Anderson and myself. I do not remember positively who were present; the minutes will show. I do not recollect that Mr. A. Gordon was present. He did not at all events sit on the trial; the reason was because he was my brother.

Mr. Cray objects to this last evidence of who were present at this meeting; that the minutes are the best evidence, and should be produced.

The only ministerial members who sat upon the trial were Messrs. Miller and Anderson. I have no recollection that Alexander Gordon had any thing to do with the trial, or sat as a judge, or administered oaths to the witnesses thereupon; but the minutes will show particularly. Messrs. Anderson and Miller, I have no doubt agreed in the judgment, that I had sustained my declaration, but as for Mr. Millers formally voting, I cannot say, he being moderator. Among other proofs which I exhibited on that occasion to Presbytery, was a letter purporting to be from David McClure, Postmaster at Franklingville. I did not give any proof to Presbytery, that that letter was in the hand writing of said McClure, further, than that it came in direct answer to one that I wrote to him. I did not give any further proof to Presbytery than to read a copy of a letter which I had written to Mr. McClure, and to which that was the direct answer. I do not know of any other proof that Presbytery had of my having written that letter, than that I so stated—the naked statements of an accuser are not taken as competent evidence to prove a fact before an ecclesiastical court—neither are the statements of the accused.

D. GORDON.

Sworn, cross-examined and sub-
scribed this 15th day of Feb., in }
the year 1842, before me

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY:
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*,
vs.
ALEXANDER BULLIONS, *et al*. } Further cross-deposition of DAVID GORDON.

The Reverend David Gordon, a witness already produced, on the part of the Complainants, and examined by Mr. Crary, of counsel for Complainants, in the above entitled cause, and thereupon cross-examined by Mr. Allen, of counsel for Defendants, which cross-examination not having been finished, and the witness being again produced and further cross-examined by Mr. Allen, deposeth as follows, viz:

Question by Mr. Allen.—Was Dr. Bullions present at the meeting of Presbytery held in March, 1838, at Salem? This question objected to by Mr. Crary, of counsel for Complainants, on the following grounds, viz:—That the minutes are in proof and are now before the examiner, and are the best evidence and parole evidence of any proceedings of Presbytery is not competent. The objection was over-ruled by the examiner and the evidence received.

Answer.—Dr. Bullions was not present as the minutes will shew. I do not recollect how I voted on the resolutions contained on the 133d page of the minutes of Presbytery, nor how I voted on the proceedings on that page. I have no doubt I did vote on those resolutions and proceedings, but I have no distinct recollection. I have no recollection, distinct or otherwise, how I voted on the proceedings and resolutions on that page. There was no declinature at any of those meetings, that came in, that was not in writing, or at any other meeting of Presbytery, that I remember.

Question by Mr. Allen.—Was Dr. Bullions present at the meeting of Presbytery on the second Tuesday April, 1838?

Answer.—He was not there as the minutes will shew. He refused to attend, and his refusal was in writing I believe. I presume it is not recorded at length on the minutes, but can be found on the files of the proceedings of Presbytery.

Question by Mr. Allen.—It appears from the minutes of the 12th April, that a citation against Dr. Bullions was returned as served on him. Do you know that that citation was issued and served on Dr. Bullions?

Answer.—I have no personal knowledge that it was so issued or served, it belonged to the clerk to do it, and I have no doubt it was done.

Question by Mr. Allen.—Did you vote on the question as to the authorship of those letters on the trial of Dr. Bullions on the 12th April, 1838?

Answer.—I believe I did not, for it appears by the minutes, that I was moderator at that time.

Question by Mr. Allen.—Have you any recollection that you voted on that question?

Answer.—I do not believe that I did, neither have I any recollection of so doing.

Question by Mr. Allen.—What is a warrantable declinature according to the rules of the Associate Church?

Answer.—It is defined in Perdivan, book 4th, title 5th, section 9th. See page 194 of Exhibit C, on part of Complainants

Question by Mr. Allen.—Have you any authority to show the declinature of Dr. Bullions, unwarrantable?

Answer—I refer as authority to the one last cited.

Question by Mr. Allen—Did the rebuke which you spoke of as having been administered by Synod to Dr. Bullions at their session in May, 1830, grow out of a protest and appeal taken by him from certain decisions of the Presbytery of Cambridge, in February, 1829?

Answer—I believe I have answered this question already on my cross examination. The rebuke arose from a difficulty before Presbytery in which Dr. Bullions and myself were parties, and the minutes will shew the particular connection of the matter. I can not state the particulars at this time from memory. In May, 1830, I was not a member of the Associate Synod. I was present at that meeting of Synod. I was not at that time a member of the Presbytery of Cambridge. I had not then been licensed.

Question by Mr. Allen—Had you for some time previous to that meeting of Synod been a student of divinity with Dr. Bullions?

Answer—I had.

Question by Mr. Allen—Can you say how long previous?

Answer—I can not say precisely how long. It may have been for a year previous. The question is objected to by Mr. Crary, of counsel for Complainants, on the grounds, viz: that the testimony has nothing to do with the case.

Question by Mr. Allen—During the time you were student with Dr. Bullions, had you and he difficulties?

Answer—Yes, we had difficulties, for which I refer to the minutes of Presbytery, but we had no personal difficulties.

Question by Mr. Allen—When you speak of personal difficulties, do you mean to say that you and Dr. Bullions were on terms of friendship at that time.

Answer—I mean that Dr. Bullions had done nothing to injure me personally, nor I to injure him personally that I know of, but that I had known him grossly violating the truth, and as I believe, shewing unfaithfulness to the profession which was my offence towards him. Mr. Allen objects that this answer is not in the most distant manner responsive to the question.

Question by Mr. Allen—Were you on terms of personal friendship with Dr. Bullions at that time? Mr. Clark objects to this question, as just asked and answered by the witness.

Answer—There is an ambiguity in the word “friendship,” as there used; if it means the opposite of ill will or hostility, I had no such ill will or hostility, if it means the opposite of satisfaction with him, then I was highly dissatisfied with him. Mr. Crary objects to this testimony on the ground that it refers to a period long past, and is no evidence of the present feeling of the witness towards Dr. Bullions.

Question by Mr. Allen—Did this feeling of dissatisfaction exist in your mind during the first six months that you were a student with Dr. Bullions? Mr. Crary objects to the question on the ground that it has nothing to do with, and is inapplicable to this case.

Answer—It did not at all.

Question by Mr. Allen—When did it first commence.

Answer—I cannot tell precisely.

Question by Mr. Allen—Did it commence before you ceased being a student with Dr. Bullions?

Answer—It did. Mr. Crary again objects to this testimony, because it is detailing the particulars of a controversy between the witness and Dr. Bullions, and does not prove that there is at this time any ill will existing between them.

Question by Mr. Allen—Was Mr. Peter Gordon a student with you under Dr. Bullions during a part of this time.

Answer—He was.

Question by Mr. Allen—Did you, while Peter Gordon was studying with Dr. Bullions, quit your studies with the Doctor? Question objected to by Mr. Cray as inapplicable and irrelevant. The objection is over-ruled by the Examiner and the evidence received.

Answer—I did, but I refer to the minutes of Presbytery to shew the particulars of the case.

Question by Mr. Allen.—Were you called to account in Presbytery for so absenting yourself. The question is objected to by Mr. Clark, of counsel for Complainants on the following ground, viz:—1st, That this has nothing to do with the cause, directly or indirectly, and is not relevant. 2d, That if proper evidence, the minutes of Presbytery must be produced. The objections are all over-ruled by the examiner, and the evidence received.

Answer.—I was called to account in Presbytery.

Question by Mr. Allen.—Did you hand in to Presbytery reasons in writing why you had so absented yourself. Question objected to for the reasons above. The objection in like manner over-ruled and the evidence received.

Answer.—I did so.

Question by Mr. Allen.—Were those reasons recorded in the minutes? Question objected to for reasons above.

Answer.—I am not the clerk and cannot say certainly, the minutes will shew.

Question by Mr. Allen.—Did the Presbytery pass upon those reasons, at the meeting in February, 1829, and decide that your reasons were sufficient to excuse you for leaving Dr. Bullions? Question objected to for reasons above.

Answer.—They did decide to that amount, but the precise form of the decision I must refer to the minutes for, as I do not precisely recollect.

Question by Mr. Allen—Did Dr. Bullions protest and appeal from that decision to Synod? Same objection by Mr. Clark, as above. The objection in like manner over-ruled and the evidence received.

Answer—Dr. Bullions protested several times on that occasion, but for the precise points on which he protested I must wholly refer to the minutes.

Question by Mr. Allen—Have you not a distinct recollection that Dr. Bullions protested and appealed from that decision particularly? Objected to by Mr. Clark for reasons above. Objection in like manner over-ruled and evidence received.

Answer—I have no doubt but that Dr. Bullions did protest and appeal from that decision particularly.

Question by Mr. Allen—Was you present at the meeting of the Presbytery of Cambridge May the 6th, 1829?

Answer—I do not remember whether I was present or not.

Question by Mr. Allen—Were you present at the meeting of the Cambridge Presbytery held on the 9th day of September, 1829?

Answer—I do not remember that I was present at that meeting.

Question by Mr. Allen—Was you present at the meeting of the Presbytery of Cambridge in October, 1829? Or at the November meeting same year?

Answer—I do not recollect.

Question by Mr. Allen—Were you present at the meeting of Presbytery in February, 1830?

Answer—I do not recollect.

Question by Mr. Allen—Do you remember whether you were present at the meeting of the Presbytery in May, 1830?

Answer—I do not recollect of being present at the meeting in May. I think likely I was present at some of the meetings, but don't remember particularly

Question by Allen—Were you present at any of the meetings of Presbytery of Cambridge in Philadelphia, during the session of Synod, in May, 1830?

Answer.—I was at that meeting of Synod, and very probably at the meetings of Presbytery there, but do not particularly remember. A pamphlet is now produced by the Defendants, being the June number of the *Religious Monitor*, for 1830, being the first number of vol. 7th, published at Albany, by B. D. Packard & Co., which document is marked as Exhibit C on part of Defendants. The witness states that this document contains the proceedings of Synod, for 1830. A pamphlet is also produced by the Defendants, being the June number of the *Religious Monitor*, for 1832, published at Albany, by Chauncey Webster, which is marked as Exhibit D on part of Defendants. The witness states that the document produced contains the minutes of Synod for 1832. The August number of the same work for 1832, is also produced by Mr. Allen, and marked as Exhibit E on part of Defendants. The witness states that this document contains the minutes of the commission of Synod, for the trial of causes between the Associate Presbytery of Cambridge and Dr. Bullions, commencing on page 167 and concluded on page 189.

Question by Mr. Allen—Have your feelings towards Dr. Bullions, undergone any change since you left him as a student?

Answer—I am not conscious either now or heretofore of entertaining feelings of ill-will or hatred to Dr. Bullions.

Question by Mr. Allen—Are you on friendly terms with Dr. Bullions?

Answer—If you mean by that, being on terms of intimate intercourse, I certainly am not.

Question by Mr. Allen—Are you his friend now?

Answer—I am not conscious of entertaining feelings of hatred or hostility to him.

Question by Mr. Allen—Do you feel perfectly friendly towards Dr. Bullions, as you did when you commenced studying with him?

Answer—I have not the same feelings of attachment and respect for him that I then had, because I then knew no cause of offence in him, as I have since done; still I trust I have no unchristian dislike or opposition to him.

Question by Mr. Allen—Was the gross violation of truth, which you state in your cross-examination to have been made by Dr. Bullions, made a matter of charge against him, by you before Presbytery?

Answer—I did not strictly speaking make a charge, but it was contained in the paper which I gave into Presbytery, containing the "grounds of reasons."

Question by Mr. Allen—Was one of the charges of falsehood to which you allude, as above, relative to an invitation said to have been given to a Mr. Mitchell to preach in Salem.

Answer—I believe it did, but as to the particular connection of matters I could not distinctly speak from memory.

Question by Mr. Allen—What was the other—was it relative to a minute of Presbytery admitting Mr. Pringle as a preacher in the Associate Church?

Answer—I could not undertake to answer as to such distant matter from memory. I have no distinct recollection so as to be able to answer under oath here as to this subject.

Question by Mr. Allen—Did you not know when you stated as above, that you knew that Dr. Bullions had been guilty of a gross violation of the truth, to what instance or instances you alluded?

Answer—I knew it was a fact, although I could not call presently to mind a number of particular instances.

Question by Mr. Allen—Did you call to mind a single instance?

Answer—I do not remember what instance was in my mind at that moment, although I knew it was a fact. I can not say now precisely what was in my mind at that moment on the point, although I knew it to be a fact. It was one of the greatest grievances of which we there complained. I wish to correct the former part of my testimony where I state, that I was a student of divinity under Dr. Bullions previous to the meeting of Synod, by saying that it was not immediately previous to that meeting of Synod. I would wish also further to correct the former part of my cross examination, in which I stated that Dr. Bullions' answer to the 7th requisition given in at the meeting in Salem, was voted to be accepted. Having since examined the minutes, it is otherwise recorded ; and while the minutes are better testimony than my memory. Still I can not say that I have any different recollection from what I stated. The minutes also shew at that meeting a unanimous vote of "satisfactory," which appears inconsistent with my testimony, on which my memory does not yet otherwise serve me.

D. GORDON.

Sworn, cross-examined, and sub-
scribed this 16th day of Feb.
in the year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*,
vs.
ALEXANDER BULLIONS, *et al*.

DAVID GORDON's direct examination resumed.

David Gordon, a witness, produced on the part of the Complainants, and examined by their counsel, and thereupon cross-examined by Mr. Allen, of counsel for Defendants ; being now re-examined by Mr. Clark, of counsel for said Complainants, deposesh as follows :

Question by Mr. Clark—Is the paper on page 28 of Exhibit C, on part of Complainants a true copy of the refusal of Dr. Bullions to attend the Presbytery on the 12th day of April, 1838 ? This question objected to by Mr. Allen, of counsel for Defendants on the following grounds, viz.: Because the original ought to be produced, and that that Exhibit has been already objected to as an improper Exhibit. The objections are over-ruled by the Examiner, and the evidence received.

Answer—It is a true copy of that refusal ; I never had any personal difficulties with Dr. Bullions other than those which appear on the minutes of Presbytery.

Question by Mr. Clark—When did you receive the anonymous letter marked as Exhibit H, on part of Complainants ? The question objected to by Mr. Allen, of counsel for Defendants on the following grounds, viz.:—Because it is calling the attention of the witness to a matter upon which he has been already examined in his direct examination. The Examiner over-rules the objection of Mr. Allen and receives the testimony.

Answer—I received that paper on the first Sabbath in March, 1837.

Question by Mr. Clark—Who gave it to you, and when and how ? Objected to for same reasons as above. The Examiner, in like manner, over-rules the objection and receives the testimony.

Answer—William Fenwick gave it to me on our meeting-house green, in

Salem, in a close envelope, I believe after public worship, in the forenoon or afternoon.

Question by Mr. Clark—Is William Fenwick a relative, and if so what, of Dr. Bullions? Question objected to by Mr. Allen on same grounds as above, and also that it is immaterial and irrelevant. The Examiner over-rules the objection of Mr. Allen and receives the testimony.

Answer—He is the brother-in-law of Dr. Bullions, ecclesiastically speaking, that is notwithstanding the death of Mr. Fenwick's wife, who was the sister of Dr. Bullions.

Question by Mr. Clark—Was Dr. Bullions repeatedly called to order by the moderator, and did he refuse to observe any order and continue boisterous, and to such an extent that it was impossible for Presbytery to proceed to their business without silencing him as referred to in folio 97 of your testimony?—

The question is objected to by Mr. Allen, of counsel for Defendants, on the following grounds, viz: because the same question which is now put, or the substance of it has been already put, and answered in the direct examination, and the minutes are the best evidence of what his conduct was. The objections are over-ruled by the Examiner and the evidence received.

Answer—Dr. Bullions, was repeatedly called to order by the moderator, yet continued to disobey and by his disorder or boisterousness prevented all business till he was silenced. I was not a member of the Presbytery of Cambridge during the years 1829, 1830, or 1831. Mr. Miller became a member of Presbytery in the fall of 1829, I think.

Question by Mr. Clark—Was Mr. Anderson, a member of Presbytery during the years 1829, 1830, or 1831, or Mr. Reid, during those years. The question is objected to by Mr. Allen of counsel for Defendants on the following ground, viz:—because it is asking question as to the facts which are upon the minutes of Presbytery and which are here and will best shew. The objection is over-ruled by the Examiner, and the evidence received.

Answer—They were not members during those years.

Question by Mr. Clark—Were Messrs. Lang, Dr. Bullions, Peter Bullions, Alex. Gordon, Stark, Campbell, Martin, Ervin, White, Thomas Godwillie and Mr. Pringle, members of the Presbytery of Cambridge in 1829? The question is objected to by Mr. Allen of counsel for Defendants, on the following ground viz:—because it appears by the minutes, and they are present and are the best evidence. The objection is over-ruled by the Examiner, and the evidence received.

Answer—With the exception of Mr. Pringle, the persons named were all members in 1829, I think the minutes will shew.

Question by Mr. Clark—Did the Presbytery actually inflict the censure referred to in the last line of folio 102 of your testimony. The question is objected to by Mr. Allen, on the following ground, viz:—because the minutes will shew, and he has directly answered the question before. The objection is over-ruled by the Examiner, and the evidence received.

Answer—The Presbytery did not actually inflict the censure.

Question by Mr. Clark—Why did they not inflict it? This question objected to by Mr. Allen, of counsel for Defendants, because the question has been directly answered by the witness before. The objection is over-ruled by the Examiner, and the evidence received.

Answer—They did not inflict the censure, because he refused to submit to it.

Question by Mr. Clark—Were the minutes of Presbytery here during your direct examination?

Answer—I think not. At all events they were not here when the examination commenced.

Question by Mr. Clark—Had Mr. Allen, of counsel for Defendants, in his hands during his cross-examination of you to-day, a book purporting to be the minutes of Presbytery, for the years 1829 and 1834 inclusive?

Answer—He had.

Question by Mr. Clark—When he asked you a question relative to the proceedings of Presbytery, did he submit the book to you or keep it in his own hands or lying by him?

At one time he presented it to me to attest as the minutes, but at all other times he kept it by him.

Question by Mr. Clark—Did Mr. Anderson, the clerk of the Presbytery, produce that book to him at his request?

Answer—He did.

Question by Mr. Clark—Has Mr. Anderson been present here all day during this examination?

Answer—I believe he has.

D. GORDON:

Sworn, examined and subscribed this 16th day of Feb., in the year 1842, before me,
JAMES GIBSON, *Examiner in Chancery.*

—*—

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.*,
vs.
ALEXANDER BULLIONS, *et al.* } Further cross-deposition of DAVID GORDON.

David Gordon, a witness produced on part of Complainants in the above entitled cause, and thereupon examined by Mr. Clark, as their counsel, and then cross-examined by Mr. Allen, of counsel for said Defendants, and afterwards re-examined by Mr. Clark, of counsel for said Complainants, and being again cross-examined by Mr. Allen, on such further cross-examination, deposeth as follows, viz:—I am one of the committee who signed Exhibit C, on part of Complainants. I approved of it but did not write any part of it. The chief of it I believe was penned by Mr. Anderson. I can not say that Mr. Miller penned any part of it. I should think Mr. Anderson penned the chief of it except the documents and the appendix. I can not remember the particular comparison of that particular paper at the top of page 28 of Exhibit C, with the original, but I do know that we took time and pains to have the whole work correct. It was printed in 1838, but I do not know precisely when it was drawn up. I do not know of any difficulties I have had with Dr. Bullions, other than those which are on the minutes of Presbytery. I have had no private difficulties with Dr. Bullions or any member of his family.

Question by Mr. Allen—Have you any knowledge or recollection, that Dr. Bullions charged you with having improperly obtained a private letter of his, and making an improper use of it?

Answer—I have no remembrance of any such charge, and it is not true that I ever did so. I do not remember that it was ever alleged against me in Presbytery, by any one. When Mr. Allen presented me the book purporting to be the minutes of Presbytery, he asked me if they were the minutes of Presby-

tery. I replied, that not being the clerk, I could not attest them from my own knowledge. I believe I did not after that ask to see them. I was with John Robertson once at Mr. Crary's house, but I do not recollect precisely when. I was not there for the purpose of assisting, nor did I assist at any time in any measure so far as I know in preparing the facts for the filing of the bill or for any other purpose, nor have I taken any part in it in any manner that I know of except as a witness.

D. GORDON.

Sworn, cross-examined and sub-
scribed this 16th day of Feb. }
in the year 1842, before me. }

JAMES GIBSON, *Examiner in Chancery.*

*

IN CHANCERY:

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, <i>et al</i> ,	}	Deposition of ABRAHAM ANDERSON.
vs.		
ALEXANDER BULLIONS, <i>et al</i> .		

Deposition of Abraham Anderson, a witness produced, sworn and examined in a certain cause now pending in the court of Chancery, of the state of New York, before the Chancellor of said state, wherein William Stevenson, William Robertson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, members of the church in full communion, known as the Associate Congregation of Cambridge, of the county of Washington, and state of New York, adhering to the principles of Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Shiland, Robert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge, together with the Associate Congregation of Cambridge, of the county of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Defendants, on the part of the said Complainants, before James Gibson, one of the Examiners in Chancery of said state, at the house of Chester Safford, jr., in the town of Salem, in the county of Washington, commencing on the tenth day of November, in the year 1841, as follows, viz:—

The Reverend Abraham Anderson, produced as aforesaid, duly sworn, and now examined by Mr. Fairchild, of counsel for Complainants, deposeth as follows:

I am about 51 years of age, and I reside in the town of Hebron, in the county of Washington, and state of New York; and I am by profession a clergyman of the Associate Church. I am a settled minister over a Congregation in Hebron. This Congregation is in Cambridge Presbytery. I have been settled there a little over eight years. I have been a minister in the Associate Church, 19 years. I was a member of the Cambridge Presbytery in the year 1837, and have been during the whole eight years of my ministry in the Congregation in Hebron. I was present at the meeting of that Presbytery held at South Argyle on the fifth day of October, in the year 1837, at which meet-

ing Dr. Bullions was suspended from the exercise of the ministry, and from the communion of the Church. This Presbytery was duly constituted. The members present were Messrs. Stalker, Dr. Bullions, Alexander Gordon, James P. Miller, D. Gordon, and myself, ministers in the Associate Church; the elders present were Benj. Skellie, John Robertson, John Henry, John T. Law, George Boyd, all ruling elders. In the Associate Church, two ministers and one elder make a quorum of a Presbytery. The ministers I have named, were the ministers who usually attended meetings of Presbytery. The elders named occasionally attended. Dr. Bullions then met with us as a minister in good standing in the Associate Church. At that meeting of Presbytery, Dr. Bullions said things included in the grounds of suspension, and refused things which are included in those grounds.

Mr. Allen, of counsel for Defendants, objects to any testimony of the witness relative to the suspension of Dr. Bullions, or the grounds of it, on the ground that the minutes of Presbytery are the best evidence. Objection over-ruled by the examiner. I state from the minutes of Presbytery, which are now before me that the grounds of that suspension were as follows:—One was, what was considered a slanderous assertion respecting some members of Presbytery. Another was, denying his own words while he repeated the substance of them. Another was using contemptuous language to Presbytery. Also refusing to specify charges. Also, persisting in all this. Mr. Allen of counsel for Defendants objects to complainants proving any specific charges against Dr. Bullions, on the ground that there is no foundation therefor in the Bill of complaint, and to any evidence whatever relative to the proceedings of the Associate Presbytery of Cambridge against Dr. Bullions, other than what appears on the minutes of Presbytery. Objection over-ruled by the examiner and the evidence received.

Question by Mr. Fairchild—Were you present in Presbytery when Dr. Bullions gave what he said were the words he had used relative to some members of Presbytery, and if you were, what were the words? State. Mr. Allen objects that the minutes state this and they are the only proper evidence. The minutes on page 97, interleaved, being the minutes of a meeting of Presbytery of February 7th, 1838, filling up the minutes of October 5th, 1837, contain what I believe to be a true answer to the question put to me. I was present at the meeting of Presbytery in October, when the matters stated in the filling up occurred. It is a rule in the Associate Church, for which I refer to the Book of Discipline, page 27, at the bottom, that if a member persists in speaking more frequently than the laws of the Church permit, and in disobedience to the moderator, he shall lose the privilege of debate for that sitting. When Dr. Bullions refused to submit to the censure of rebuke, the censure was not actually inflicted. It is the opinion of some that a rebuke ought not to be inflicted when the culprit refuses to submit to the rebuke. Mr. Allen objects that it is irrelevant and immaterial what is the opinion of some on that point. Objection over-ruled and the evidence received. The Presbytery had a right to proceed further in the case of Dr. Bullions, although he had protested and appealed from the decision to rebuke him. The Presbytery had also the right to suspend him as stated in the minutes. As authorities for the right to proceed after protest and appeal I would cite the Book of Discipline, page 60th, at the foot of the page. As authority for my answer relative to the right of Presbytery to suspend, I would refer to the Book of Discipline, page 55th, Section third.

Question by Mr. Fairchild.—What is the effect of a protest and appeal when admitted?

Answer—It sists procedure ; Perdivan, page 195—215.

Question by Mr. Fairchild.—What does the term “sist” mean ?

Answer—It means stay. A protest and appeal not admitted allows the judicatory to proceed to the final issue of the case. The term “issuing of the case” as used by the Associate Church means to proceed to the final judgment and execution of the same. As proof of this I would cite page 60th, of the Book of Discipline. Also Perdivan, page 189, Section 11th, and 12th, showing instant deposition to be in the power of the court. The effect of an appeal is to refer the case to a higher court without suspending the decision passed ; Perdivan, page 195, Section 11th. The rule allowing a Church court to reject a protest implies the Presbyterian doctrine that it must be left with the court and not with the individual judged, to determine the necessity of immediate censure. This last answer objected to as irrelevant and immaterial and as being argumentative and giving the opinion of the witness. Objection overruled and the evidence received by the examiner. The party having the privilege of a second protest is denied none of his rights before a superior court. See Book of Discipline, page 61st, at the top of the page.

Question by Mr. Fairchild.—When an individual is decided against and protests and appeals, are the court bound to admit the protest ? Objected to as already asked and answered. Evidence received.

Answer.—The court is not absolutely bound to do so. If the individual still wishes his case appealed to the higher court he protests against the rejection of his protest and appeals to the superior court. The court generally receives or admits this protest. The effect of a second protest and appeal is to carry up the subject on which the first protest was offered. See Book of Discipline, page sixty first.

Question by Mr. Fairchild—Suppose after the rejection of the first protest and appeal further proceedings are had in the court upon the case, do such further proceedings come under review in the court appealed to by virtue of the second protest and appeal ?

Answer—If the appeal be sustained they may. If it be not sustained they may not. According to my understanding of it, Dr. Bullions’s case never came before Synod by protest and appeal.

I am the regular clerk of the Presbytery of Cambridge, and have been since the month of November, 1833. An intimation was made to Dr. Bullions, by members of Cambridge Presbytery, as follows :—and no objections made to the proposals, that he should furnish the means of investigation by specifying names charged, and the particular charges, as all that would be required. Dr. Bullions utterly refused to comply with this intimation, except in one case.—He gave the names of the persons charged. These names are Messrs. Miller, Anderson, and Alexander and D. Gordon. It was the duty and the right of Dr. Bullions to prosecute the four persons before Presbytery on these charges, which he never did. See Book of Discipline, pages 42, 43 and 44 ; Perdivan, pages 167 and 168. If Dr. Bullions had succeeded in making out the truth of his charges, it would have exonerated himself. No member of Presbytery, that I know of, was excluded from acting or voting on the case of Dr. Bullions at the meeting when he was suspended, held October 5th, 1837. If there was, it would appear by the minutes of Presbytery. The Doctor did not at this meeting of Presbytery, after his suspension, make any satisfactory acknowledgement. He did not make any acknowledgement. Objected to by Mr. Allen, as improper, because it is proving by parole, what can only be proved by the minutes. Over-ruled.

Church courts are bound to forgive whenever sufficient evidence of repen-

tance is given. The next meeting of Presbytery was at Cambridge, on the 14th day of November, 1837. It was a *pro re nata* meeting of Presbytery. I was present at that meeting, and I believe it was legally convened. The object of that meeting was as stated in the minutes by the moderator. The Presbytery had a legal right to exclude Messrs. Goodwillie, and Pringle and White, senior, from sitting on Dr. Bullions' case, as stated on page 102 of minutes of Presbytery. See Perdivan, page 195, section 9th; I would also refer to page 50 of the book of discipline, which relates to the rejection of witnesses. My view of the matter is this,—that malice, partial council, personal interest are relevant objections to witnesses, and they must be to judges. Also see Gib's Display, vol. 1st, page 27. No requisitions were put to Dr. Bullions at this meeting other than the 5th one. The answer given in by Dr. B, which will be found on page 106 of the minutes of Presbytery, was not in writing, but was delivered verbally by Dr. Bullions. There was no deed of Presbytery passed at this meeting, effecting the ministerial standing of Dr. Bullions; but he continued under suspension. The proceedings of this meeting of Presbytery were regular; I think, according to the rules of discipline of the Associate Church. This meeting was adjourned to Salem, the first Wednesday of December, then next. I was present at that meeting. The answers of Dr. Bullions to those requisitions came in at that time, and are as stated in the minutes of Presbytery, commencing on page 109.

Mr. Allen objects to this testimony on the grounds: that the answers of Dr. B. to their requisitions were in writing, and should be produced. The originals are thereupon produced, and on examination are found to be correctly copied in the minutes, commencing on page 109, there being in them no answer to the fifth requisition.

The exclusion of Mr. Stalker from sitting on the case of Dr. Bullions at the meeting of Presbytery in Salem, in December, 1837, was regular according to the rules and discipline of the Associate Church. Perdivan, 194th and 195th pages, section 9th. The minutes of Presbytery relative to the proceedings at the December meeting in Salem, are correct. I was present. The proceedings of that meeting were regular, according to the discipline and government of the Church. The minute relative to the expression made by Mr. D. Gordon relative to Dr. Bullions, as entered on page 114 of the Book of minutes, I believe to be a true minute. When a minute is made of such expression, any member has a right afterwards to call it up for action. The minute on page 128, relative to taking up of Mr. Gordon's case, is correct. This case was taken up and disposed of as stated on the minutes of Presbytery. See pages 130, 131 and 132. Those proceedings I should judge were regular, according to the rules of proceeding in the Associate Church. The proceedings on the case of Dr. Bullions, growing out of the trial of Mr. D. Gordon, are truly stated on the minutes of Presbytery, commencing on page 132; and those proceedings were regular. As in one case I appealed and in another dissented, it might be supposed that I did not judge the proceedings regular, but I appealed and dissented, because I judged the procedure was not deliberate enough to comport with public opinion, but that nevertheless they were strictly regular.

The citation against Dr. Bullions was issued with certification, as ordered by Presbytery. It was legal in the first instance to issue a citation with certification. See Book of discipline, page 46, where it is stated as follows: "In case of neglect or refusal to attend, a second citation may be issued," &c. In former times, in the Church of Scotland, they positively required in their books of discipline, the several citations ordered, but their practice frequently contradicted the strict letter of this law; latterly, our books of discipline leave the number of citations optional with the court. See Perdivan, form of pro-

cess, page 203, sections 4th, 5th and 6th. The book of Discipline of the General Assembly Church of the United States does not require three citations. See page 402, of the Philadelphia edition of 1834—item eleven.

This last work is counted in the Associate Church excellent authority in every case wherein it does not contradict the standards of that Church. There is the less necessity for three or even two citations, if the Presbytery have received a contemptuous refusal to attend, as was the case in this instance. As authority, see Perdivan, pages 188 and 189. See also same work, pages 194 and 195, relative to unwarrantable declinatures.

Question by Mr. Fairchild.—What is the paper mentioned on page 116 of the minutes of Presbytery of Cambridge, as paper No. one from Dr. Bullions?

Answer—This paper is the first declinature of Dr. Bullions.

Complainants produce a copy of this paper which is hereto annexed and marked as Exhibit M, on part of Complainants. The original declinature delivered in to Presbytery by Dr. Bullions is now on file with the clerk of the Synod, Mr. Andrew Herron, of Green county, Ohio. It is usual and the clerk must always keep original papers that appear in trials in Synod, unless expressly ordered by Synod to give them up.

This declinature was an unlawful one, because it was a renunciation of the authority of Presbytery over him, and a contemptuous denial of their right constitution. Perdivan, page 194, section 9th. It is unjustifiable to put in an unwarrantable declinature. It is an offence against his ordination vows, and persisted in, is a disruption of all church fellowship. The censure merited by an officer of the Church for an unwarrantable declinature, is deposition. Perdivan, page 194, section 9th. Dr. Bullions was notified to attend the trial of Mr. D. Gordon for his supposed slanderous assertions; but he did not attend. The citation ordered on page 133 of the minutes of Presbytery, was issued and served on Dr. Bullions, as there directed. That citation was returnable at the next meeting of Presbytery, held April 10th, 1838, and was acknowledged by Dr. Bullions to have been served; in the second declinature, contained in a paper produced, which is marked as Exhibit N, on part of Complainants, which is the same paper referred to on page 136 of the minutes of Presbytery, as No. one from Dr. Bullions. After this declinature was handed in by Dr. Bullions, another citation was ordered to be issued to him. It was issued on the 10th of April, 1838, returnable on the 12th day of April, then next. The meeting of Presbytery commenced on the 10th day of April, in the year 1838, and was continued from day to day till the 12th. This last citation was issued with certification. This citation was returned as duly served. The paper itself was not handed back; what I mean by being returned, is the evidence that it was served. It is not usual to keep such papers or copies of them.

In former times it was usual for the court to keep a copy of the citation, but lately it has not been done. This citation was regular according to the government and discipline of the Church. The court had a right on the return of this last citation to proceed and try the case. The Presbytery was legally constituted, and regularly convened at this time, as appears by the minutes. I was not present on the 11th and 12th, but was on the 10th of April, at the time the meeting commenced. This was the meeting at which Dr. Bullions was deposed. The deposition was made on the 12th day of April, 1838, at South Argyle. Dr. Bullions was not present on the 12th day of April, nor on any of the days of the meeting of Presbytery, commencing on the 10th of April. It appears by the minutes that Presbytery proceeded with the trial as though Dr. Bullions was present. The Presbytery had a right so to proceed,

See Perdivan, page 160, section 22nd; also page 209, sections 4th, 5th and 6th. See also book of Discipline, page 46. The proceedings in the case of Dr. Bullions, and in deposing him, were regular according to the government and discipline of the church. The grounds of the deposition of Dr. Bullions, are truly enumerated on pages 148, 149 and 150 of the minutes of Presbytery. It appears by the minutes of Presbytery, that these charges were all proved against Dr. Bullions, they are sufficient to warrant the sentence imposed upon him according to the books of discipline of the Associate Church. Dr. Bullions was deposed and excommunicated, as stated in the minutes. The minutes expressly state it as the lesser sentence of excommunication. The deposition and excommunication were regular, as the Presbytery was duly convened according to appointment, rightly constituted, a full quorum, the causes for deposition and excommunication abundantly sufficient, sufficiently proven, Dr. Bullions having had full opportunity of defence, and having had sufficient legal notification and certification.

Question by Mr. Fairchild—Was it regular to proceed to the trial of Dr. Bullions on the return of the two day citation mentioned.

Answer—The design of such time given as the books of discipline usually require, for parties to appear after citation, is, that they may have reasonable time, and therefore less than ten days is often sufficient. See Perdivan, page 208. It was substantially complying with the rule in the case of Dr. Bullions. He was convenient, so that he got the notice in time. But for other reasons, delay was not demanded, as where the party cited has returned an absolute refusal to attend, with contemptuous renunciation of the authority of the court, as was the case in this instance.

Mr. Allen objects to the same answer being repeated; that this answer is a repetition of a former one.

The authority for the last answer will be found in Perdivan, page 188, section twelfth.

Question by Mr. Fairchild—Was it irregular to proceed and pass the sentence stated on pages 148, 149, 150 and 151 of the minutes of Presbytery, being the lesser sentence of excommunication, when the lesser sentence of excommunication had previously been imposed, as appears on the minutes recording the suspension of Dr. Bullions?

Answer—It was not irregular, because the deposition had become necessary, and it was proper to express the continuance of the lesser sentence of excommunication, as always accompanying deposition. Deposition always includes suspension, or rather is accompanied with it. Suspension from Church privileges after trial, is the same as the lesser sentence of excommunication. A suspension from Church privileges before trial is not a censure, but propriety requires that the person under charge be kept back from sealing ordinances till his case is issued or judgment rendered.

Question by Mr. Fairchild—When a person is excommunicated with the lesser sentence of excommunication, does he still retain any connexion with the Church, and does the Church still retain any authority over him?

Answer—The Church retains a full authority over him and he is still a member of the Church.

Question by Mr. Fairchild—Do the Church sustain any ecclesiastical relation to the person under the greater sentence of Excommunication?

Answer—The Church does not, although relation to him is different from that which they sustain to the rest of the world. The rest of the world, lies under no definite sentence against them personally while the person excommunicated does. He cannot become a member again without formal absolution

by a court of Christ that has authority to do it, and that court must be the same that excommunicated him. As authority for the answer as to the effect of the lesser sentence, see part third, article third, Section first of the Declaration and testimony on page 115. As authority for the answer as to the effect of the greater sentence of excommunication I would refer to the Book of Discipline page 57 at top. Also collections by Stewart of Perdivan, page 200. Also see Perdivan, page 192 section 21st. At the meeting of Presbytery when Dr. Bullions was deposed no member was excluded from voting on his case to my knowledge, nor does it appear by the minutes of Presbytery that any member was so excluded. By the minutes see page 148, the resolution deposing him was unanimously adopted. The case of Dr. Bullions was brought before Synod at the meeting held in Philadelphia in May, 1838, by a memorial by Dr. Bullions and taken up by Synod on consent of the Presbytery of Cambridge; for which I refer to pages 22 and 26 of Exhibit B, on part of Complainants. Synod had jurisdiction over the case and a right to take it up under those circumstances. For authority See Book of Discipline page 12th. I was present at this meeting of Synod when the case was taken up and disposed of. This Synod was duly convened according to adjournment, and was legally constituted. Dr. Bullions was present at this meeting of Synod. The case of Dr. Bullions was fully and fairly submitted to Synod. As fully as he wished to have it.

Question by Mr. Fairchild—Did he conduct the case in person?

Answer—He did so conduct it on his part.

Question by Mr. Fairchild—Did he make an argument at the close of the evidence?

This question is objected to because the minutes of Synod will best show the whole proceedings before them. Objection over-ruled and evidence received.

Answer—He did make such argument, and making but few remarks he sat down. Some members of Synod observed that it was Dr. Bullions's last opportunity to be heard on the case, and if he had any thing further to advance, to do it now. He then arose and continued his defence until he ceased of his own accord. Mr. Allen objects to all that part of the answer after the affirmative, as irresponsible to the question, and insists that a farther remark made by the witness in answer to that question that the reason he made the answer was to shew that Dr. Bullions had full liberty on the trial of the appeal before Synod, be also taken down. Mr. Fairchild answers that the above is not a correct statement; that the facts are that, after the witness answered, that Dr. Bullions did make an agreement, the witness commenced saying something further, and Mr. Fairchild stopped him, and then stated that he would hear the witness in conversation, but would not take it as testimony. The witness then stated the fact that Dr. Bullions, after making a few remarks, sat down, and on being apprised that it was his last opportunity for speaking in defence, he arose and continued his argument. Witness said, I mention this to shew that Dr. Bullions was allowed full liberty of speaking in defence, then Mr. Fairchild asked him further questions; the answers to be taken down as testimony, and in answer to those questions, the testimony stated above Mr. Allen's objection was given. Mr. Fairchild adds that in the conversation with the witness, the witness stated that he considered the matter stated in the conversation was necessary in answer to the question. The Examiner decides that he considered the matter of the witness' answer which was not affirmative to the question, as having been given originally in conversation, as stated by Mr. Fairchild, and that it was afterwards taken down in answer to questions orally by Mr. Fairchild, and therefore decides that the remark of the

witness can not be taken down as testimony. The witness then further testified that Synod had the right to determine the correctness or incorrectness of the deed of Presbytery deposing and excommunicating Dr. Bullions. The minutes state, see page 30 of Exhibit B, on part of Complainants. "The question was put, affirm the decision of the Presbytery of Cambridge, or not, and carried,—affirm!" This decision was final in Dr. Bullions's case.—The decisions of the Supreme Court are properly final. See Perdivan, page 192, section 21st. One of the majority only could move for a re-consideration of any decision made. It appears by the minutes that a protest against the decision was made by Dr. Bullions. The protest was then offered verbally.—It was afterwards handed in, in writing, but it did not appear to my knowledge at that meeting of Synod. I find however on examining the minutes of Synod that it was given in, in writing, at that meeting. The effect of a protest against the decision of the court of last resort is for the exoneration of conscience. It is common with the Associate Church to admit such protest. See book of discipline page 62, near the foot of the page. Such protest neither invalidates nor suspends the decision. See Perdivan, page 195, section 11th. See also a decision of the Associate Synod of North America, on printed minutes of 1832, page 30th, at the bottom of the page. By the minutes it appears that the following resolution was offered and adopted.

"Resolved, That it is the judgment of this Synod that protests are admissible in an ecclesiastical court of the last resort, but do not shield the protesters in disobedience."

Question by Mr. Fairchild—You have said that Dr. Bullions's protest was handed in, in writing, at the meeting of Synod, in May, 1838. Is it in the printed minutes of that year?

Answer—It is not, but will be found in the printed minutes of 1839, and on page 23rd of Exhibit A, on part of Complainants.

Question by Mr. Fairchild—Is that paper a simple protest, or any thing more, and if more what is it? Question objected to as calling for the opinion of the witness as to a paper which speaks for itself. Objection over-ruled and evidence received.

Answer—It is more than a simple protest, including a declinature of the authority of Synod; referring to the latter part of the paper I find the declinature. As authority see Perdivan, page 194, section 9th; this proves it to be an unwarrantable declinature. I consider this an unlawful declinature.—All declinatures, legally speaking, of the court of last resort, are unlawful.—I refer for authority to the decision of Synod of 1832, page 30th.

Question by Mr. Fairchild—Can any Supreme Court agreeably to the form of Presbyterian Church government ask less than a present submission to their decisions?

Answer—They cannot lawfully. My authority for this answer is contained in the formula of questions at the ordination of ministers. Question 6th, See Declaration and Testimony, page 126, Section 5th of Article 8th. See also confession of faith, page 166 of Exhibit G, on part of Complainants, section second. Also Book of discipline page 6th near the middle of the page.

Question by Mr. Fairchild—Is there any rule in the Associate Church allowing an individual to be judge in his own case in opposition to the judgment of the court?

Answer—It is the principle of the Associate Church that every man has a right to judge for himself on matters of truth and duty so far as to form his opinion of what he ought to do, but has no right to judge so as to annul the decision of the courts that are over him in the Lord, nor on his judgment to

impose himself upon the fellowships of others in opposition to the judgment of the court. With respect to his right to judge for himself, for authority see declaration and testimony page 126, section 5th of article 8th. As to the latter part of my answer for authority, see Book of discipline page 6th. Also confession of faith page 166, section second. See Exhibit G, page 166. The general principles of the Church under the Presbyterian profession maintain the same thing. It appears by page 31 of the minutes of Synod for 1838 that Dr. Bullions was at the meeting of that year, referred to the Presbytery of Cambridge for further dealing. This reference of Dr. Bullions was legal. As authority for this answer I refer to Book of discipline page 56; see also Perdivan, page 56, section 33; see also page 192 of same work, section 21st.

Question by Mr. Fairchild.—Being remitted to the Presbytery of Cambridge for further dealing as stated in the minutes, could Dr. Bullions make submission and be legally restored by applying to any other Presbytery.

Answer—He could not. See authorities last referred to. See also Book of discipline, pages 6th, 7th and 10th. The Presbytery of Vermont had no right to receive Dr. Bullions, or attempt his restoration, or deal with him in any way in an ecclesiastical manner. Same authorities as for last answer with this addition that there is need of a positive authority to justify the procedure of the Presbytery, that there is no authority in the standards of the Associate Church for this deed. I would explain my testimony heretofore given by saying that there were three citations given to Dr. Bullions to attend for trial.

A. ANDERSON.

Sworn, examined, and subscribed this 13th day of November,
in the year 1841, before me,

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.*

vs.

ALEXANDER BULLIONS, *et al.*

Farther direct examination of
A. ANDERSON.

Abraham Anderson, a witness already examined, on the part of the Complainants, is now produced and further examined by Mr. Orville Clark, of counsel for said Complainants, and thereupon testifies as follows, viz:

The binding effect of a decree of Synod or Presbytery does not depend on the conscience or belief of the person judged.

Question by Mr. Clark—Are they not equally bound by the decision or decree, so far as their relation to the church is concerned, whether they believe the decision to be right or wrong?

Answer—They are equally bound. The term "Congregation," so far as the Associate Church is concerned, includes those that are in full communion in the church, with their children, of any age, under charge of their parents. In a church point of view the term "Congregation" does not include families and casual or stated hearers not in communion with the church.

Question by Mr. Clark—Can a person who has been suspended or deposed, continue to officiate by merely appealing from the decision in all cases? Objected to by Mr. Allen, as going over testimony which the witness has already been examined to. Objection over-ruled and evidence received.

Answer—It can not in any case in the same church.

Question by Mr. Clark—Is the person accused, in any case to be the judge, whether the decision of the Presbytery or Synod is in accordance with the word of God, and the rules and principles of the church, so as to effect the decision in his relation to the church? Objected to same as the last question. Objection over-ruled and evidence received.

Answer—He is not. If this should mean, that he is not at liberty to judge for himself and leave the church, I would say he is.

Question by Mr. Clark—Are there any cases in which the decisions of Synod are not final, because in the opinion of the accused, they are not in accordance with the rules of the church, and the word of God. Objected to same as before; and in like manner over-ruled.

Answer—There are none.

Question by Mr. Clark—Upon a final decree of Synod, has the accused a right to protest and to claim a re-hearing or review? Objected to for same reason, and in like manner received by the examiner.

Answer—If by claim you understand a right, he has not.

Question by Mr. Clark—Is there any supposable case in the knowledge of the witness where, upon a final decision of Synod deposing a minister, by protesting and asking a review, that he may continue to officiate until the decision is reviewed and reversed? Objected to for same reason as before, and in like manner received by the examiner.

Answer—Not in the same church.

Question by Mr. Clark—Do these words in the ordination vow—"Remembering that while they act uprightly they judge not for men, but for the Lord, who is also with them in the judgment"—give any greater latitude to the accused, as to his duty to submit to the decisions of the court according to the principles of the church, then if they were not in?

Answer—They do not. Those words I think do not at all effect his duty to submit.

Question by Mr. Clark—If a majority of a congregation believe that their minister has been unjustly deposed and excommunicated, may they employ him as their minister, and he officiate, and by so doing, both retain their connexion with the church. Objected to by Mr. Allen on same grounds as before, and the objection over-ruled, and evidence received.

Answer—They may not. A member of the Associate Church can not according to the rules of the church, attend the ministrations of a man who is suspended or excommunicated, without a violation of his vows.

Question by Mr. Clark—Can the Presbytery or Synod send a Minister to officiate with the Congregation without their consent under any circumstances, and if so, when? Question objected to as having been previously asked of this witness. The objection over-ruled and the evidence received.

Answer—They can do so when a Congregation is vacant, or when they would declare a Congregation vacant, or when they would rectify disorders which have arisen in it. In such cases they have the right so to send a minister.

Question by Mr. Clark—Is the matter contained in the extract from the minutes of the Presbytery, as set forth in folio 57, 58 and 59 of the Defendant's answer to the original bill, the only matters for which Dr. Bullions was deposed. The question objected to on the ground of its immateriality and irrelevancy and no foundation for it in the bill and that the witness has previously testified on this subject. Objection over-ruled and evidence received.

Answer—It is not. The causes for which he was deposed are contained on the 30th and 31st pages of a pamphlet entitled "A narrative of the proceed-

ings of the Associate Presbytery of Cambridge, which issued in the deposition of Rev. D. Stalker and Rev. A. Bullions D. D., Albany Ed. Printed by Hoffman and White, 1838," which is offered by complainants to be marked as Exhibit O, on their part. This Exhibit is objected to by Mr. Allen, on the grounds that it is irrelevant and improper evidence and is an *ex parte* statement made by a committee of Presbytery after the trial of Dr. Bullions to justify their own proceedings and as a defence of those proceedings, and because the minutes themselves to which reference is made in that pamphlet can be extracted and made an Exhibit of. The objection made by Mr. Allen is over-ruled by the examiner and the Exhibit marked as above.

Question by Mr. Clark—Is that Book a correct history of the transactions referred to in it relative to Dr. Bullions, and the transactions connected with his trial and deposition? Question objected to as irrelevant and immaterial. Objection over-ruled and evidence received.

Answer—It is a true exhibition of the documents in the case so far as it purports to be. The declinature given in by Dr. Bullions on the 7th, February, 1838, did not remove the cause from the Presbytery to the Synod, nor did it remove the proceedings at all. Dr. Bullions was, by order of the Presbytery, February 8th, 1838, notified, or cited to appear before them, March 7th, following. Dr. Bullions did not appear and answer to that citation. March 8th, Dr. Bullions was again ordered by Presbytery to be cited to appear on the tenth day of April following, and he was cited in pursuance of the order.

Question by Mr. Clark. Did Dr. Bullions appear on the 10th day of April, in pursuance of that citation? Objected by Mr. Allen that the attention of this witness has been twice drawn to this subject already. The objection is over-ruled by the Examiner, and the evidence received.

Answer—Dr. Bullions did not appear in pursuance of that citation, but sent in a second declinature. He was then again cited to appear on the 12th day of April, which citation was with certification, as was also the citation issued on the 8th day of March. The Presbytery met in April, 1838, at South Argyle, which is about twelve miles from the residence of Dr. Bullions. Mr. Allen objects to this testimony as not being the best evidence, and that the minutes should be produced. The witness then testifies that the minutes are before him now, and he testifies from them.

Question by Mr. Clark—Is it correct that Dr. Bullions was not deposed for any error in practice? Objected to as not in the bill of complaint, and the attention of the witness has been called to it before. Objection over-ruled and evidence received by the Examiner.

Answer—It is not correct. I know who are complainants and who Defendants in this suit, and I know the distinction between the two classes. Since the deposition of Dr. Bullions the Presbytery have recognized the Complainants and their adherents, members of the church, as the Associate Congregation of Cambridge. I think this was done in June, in the year 1838.

Question by Mr. Clark—Have the ruling elders who adhere to Dr. Bullions been excommunicated by the Session. Question objected to because there is no foundation for it in the bill of complaint, and no allegation therein on that subject, and that it is irrelevant and immaterial. Objection over-ruled and the evidence received by the Examiner.

Answer—They were so excommunicated on the 31st day of December, in the year 1838, and suspended from the exercise of their office, which appears by the minutes of session, which are produced before the examiner, and a copy of which is produced and marked as Exhibit P, on part of Complainants. The session, which deposed the ruling elders, proceeded according to the rules

of the course and practice of the Associate Church. This session is recognized by the Presbytery of Cambridge, as the only true session of the Associate Congregation of Cambridge. That session carefully took the necessary steps in excommunicating those ruling elders, according to the course and practice of the Associate Church.

Question by Mr. Clark—Was this a matter within the jurisdiction of that session? Question objected to by Mr. Allen, on the following grounds, viz: as irrelevant and immaterial, and not within the issue. The objection over-ruled by the examiner and the evidence received.

Answer—This was a matter within the jurisdiction of that session. It was judged necessary according to the rules of the Associate Church, that those who were formerly elders, but were now insubordinate to their church courts, and supporting a schism, should be suspended, if after dealing with them they were found impenitent. It is the imperious duty of a session in the Associate Church to deal with any of their members that are violating the laws or rules of the church, or who are insubordinate to the church courts, and to censure them accordingly. This duty also extends to members of the congregation, as well as members of the session. The Associate Session of Cambridge, as recognized by Presbytery, as before stated, have been regularly recognized by Synod, by admission of its members to a seat in that court; and adhering to Dr. Bullions, have been refused by Synod to be recognized as the session or congregation of Cambridge. The former members of the Associate Congregation of Cambridge, adhering to Dr. Bullions, are not members in full communion with the Associate Church, nor are recognized as such by any of her judicatories.

Question by Mr. Clark—Is the course pursued by Dr. Bullions and his adherents, one that is repudiating the Presbyterian form of government? The question objected to by Mr. Allen of counsel for defendants on the following grounds, viz:—Because it is asking for the opinion of the witness in a question of fact and is not giving the facts for the court to judge of the law. The objection is over-ruled by the examiner and the evidence received.

Answer—It is repudiating that form of Church government.

Question by Mr. Clark of counsel for complainants.—Have the Synod called the Presbytery of Vermont to account for dealing with Dr. Bullions and attempting to restore him after the Synod had referred him back to the Presbytery of Cambridge? Mr. Allen of counsel for defendants objects to this question on the following grounds, viz. Because it is irrelevant and immaterial and calling for matters which have taken place since the commencement of this suit. The examiner over-rules the objection and receives the testimony.

Answer—The Synod did so call the Presbytery of Vermont to account. In the year 1839, the Synod ordered that the members of that Presbytery appear at the bar of the Synod at its next meeting to answer for their conduct in this case. At the next meeting of Synod they were called to account accordingly. Ultimately a commission was appointed to go to Barnet, with instructions; and according to those instructions the commission declared, that Presbytery dissolved, and the ministerial members of it, suspended from their office, and from the communion of the church, and referred them to the Presbytery of Cambridge for further dealing; and their congregation to the care of the latter Presbytery. The ministerial members of that Presbytery, were Messrs. Thomas Goodwillie and William Pringle. The Synod, in the year 1839, (see page 29 of the minutes of Synod of that year,) declared the deeds of the Associate Presbytery of Vt. restoring Dr. A. Bullions to the office of the ministry, and the communion of the church, and admitting him as a member of that Pres-

bytery, to be null and void from the beginning. For the proceedings of Synod, and the commission ordered by Synod, see the minutes of Synod for 1839, and of 1840. Mr. Allen, of counsel for Defendants objects to the whole of this last answer of the witness as being improper evidence—it being parole evidence of that which is best proved by the minutes of Synod. The examiner over-ruled the objection and receives the testimony.

Question by Mr. Clark—At the meeting of the Presbytery of Cambridge in October, 1837, had Dr. Bullions an opportunity of being heard, and of defending himself? Mr. Allen of counsel for Defendants, objects to the question on the following grounds, viz: because the minutes of Presbytery shew what took place at that meeting, and are the best evidence of what did take place, and parole evidence cannot be given thereof. The objection is over-ruled by the examiner, and the evidence received.

Answer—Dr. Bullions had, according to my knowledge of the matter, full opportunity of being heard, and of defending himself. I was present a part of the time during that meeting of Presbytery. I was present when he was suspended, and when the rebuke was proposed to be inflicted. The silence was removed before the rebuke was proposed to be inflicted, and before he was suspended.

Question by Mr. Clark—Have the Presbytery of Cambridge frequently had occasion to deal with Dr. Bullions previous to October, in the year 1837, and if so, what dealings, and when were they? This question is objected to by Mr. Allen, of counsel for Defendants, on the following grounds: because it is irrelevant and immaterial, no charge or foundation for it in the bill, and that if there is any, parole evidence thereof objected to. The objection is over-ruled by the examiner, and the evidence received.

Answer—They had. In 1830, the Presbytery of Cambridge had a charge against Dr. Bullions of falsehood, and language inconsistent with his profession, and he was rebuked in Synod the same year for offensive language, referred to in these charges. In 1832, he was under dealings by the Presbytery of Cambridge, and required by Synod to submit to their decisions, without limitation. He submitted, and was admonished in Synod accordingly. In the same year, before a commission appointed by Synod, Presbytery had charges against him, and he against Presbytery, and according to the decision of that commission, Dr. Bullions acknowledged sin, and promised to refrain from those things that had agitated the Presbytery in his case, and he submitted to an admonition. In 1833, he gave in to a member of Presbytery, a paper containing dissents from and protests against most of the decisions of the commission, to which he had submitted. In the same year, he was tried on a charge of falsehood, with some other charges I do not at present recollect; during the course of the latter trial, he declared in Presbytery, in words to this effect, "that he had never exercised contrition, or made confession to God for any one of all the things for which he had been censured by Synod, commission, or by Presbytery." At the same meeting of Presbytery, he set up an objection to communion with Mr. David Gordon. This was tried in 1834. Mr. Gordon was acquitted by Presbytery of the ground of the objection. Dr. Bullions acquiesced in the decision. He again carried this case by appeal to Synod. In Synod, October, 1834, Dr. Bullions was found guilty on all the charges against him, that were tried in Synod, and none of his appeals were at that time sustained. By order of Synod, Dr. Bullions was referred to the Presbytery of Cambridge, required to acknowledge before Presbytery, his sin in various items stated in the minutes of that year, and to promise to agitate no more those matters, by which Presbytery had been disturbed, and on these submis-

sions to be rebuked and restored to the exercise of the ministry, from which he had for a time been suspended. Dr. Bullions submitted, and was rebuked and restored accordingly. In 1835, Dr. Bullions declared in Presbytery, in substance as follows:—"That he had often heard it spoken of, and he believed it, that a member of the Presbytery had tampered with two members of Cambridge Session, to induce them to make a party in the Congregation." This charge was fully tried in Presbytery. Every member of Presbytery was acquitted on trial. At the close of this business, March, 1836, Dr. Bullions expressed his conviction in submission to Presbytery's judgment, that the charge was without any foundation, and was slanderous, and renewed his promise to live in peace with his brethren.

At the time of the making of these charges, Dr. Bullions was required to produce the names of his witnesses; he did produce and handed in to Presbytery, the names of two witnesses. Those were Walter Maxwell and Phebe McGeoch. At the next meeting of Presbytery, in the place of Phebe McGeoch, he handed in the name of the Rev. Mr. Stalker.

The affidavit of one of these was taken and the testimony of the other. Dr. Bullions declined giving any more witnesses in the case. Presbytery also took the testimony of all of the Elders of the Cambridge session then present and made a further demand of all the testimony known on the point to be produced at the next meeting of Presbytery. The Elders present at that meeting of Presbytery and examined as witnesses on that case were John Ashton, Geo. Lourie, Edward Cook, William McGeoch, John Dobbin and George Maxwell. After Dr. Bullions had declined giving any further testimony, the question was asked of him if he had any further witnesses on the matter in question. Dr. Bullions then gave in the following answer. "As I never considered myself pledged to prove the truth of the report but only that said report so prevailed and was so believed, that I had reason myself to believe it. Supposing that this has been done I adduce no further testimony." The next meeting of Presbytery was held in the month of January in the year 1836. At that meeting certain persons were examined as witnesses in the case of Dr. Bullions. The Rev. Mr. Stalker was recalled as a witness. It was agreed to recall Mr. Lourie. He was re-called and was, as I consider, very fully examined. He was not prevented from answering any question on that examination that I recollect of. John Robertson was called as a witness, but I do not recollect that any oath was taken by him. He stated that he did not know of any member of Presbytery tampering with two members of Cambridge session, nor did he know what member of Presbytery was said to tamper with them. On the same day after this, Dr. Bullions proposed Mr. John Robertson as a witness to prove that the report that a member of Presbytery tampered with two members of Cambridge session, was circulated and that he had ground to believe it. Mr. Robertson being called declared that he believed that Dr. Bullions could not prove by him what he had said in Presbytery respecting a member's tampering with Messrs. Ashton and Cook. Dr. Bullions declined to call John Robertson as a witness and further declared that the case on which he proposed John Robertson as proof was the case referred to by him in North Argyle. Which was the place in which Dr. Bullions first made the charges to Presbytery. Mr. John Robertson was one of the Elders of the Cambridge session, a particular friend of Dr. Bullions and his defender in the meetings of Presbytery generally, I have mentioned and in Synod till about the time of his deposition. I believe the next Sabbath after this case was settled, according to a complaint laid into Presbytery, Dr. Bullions used expressions in public which some of his people thought a retraction of his late submission; the com-

plaint was tried in Presbytery, carried to Synod. Synod decided that the matter should go back to Presbytery, and on Dr. Bullions declaring any intention to contradict the deed of Presbytery, in question the matter should be dismissed. In the month of September, 1836, Dr. Bullions made that declaration and the matter was dismissed accordingly. Mr. Allen of counsel for Defendants, objects to the whole of the last answer of this witness because the same is irrelevant and immaterial and not within the issue. I am acquainted with the hand writing of Dr. Bullions and have seen him write.

Question by Mr. Clark—Look on the superscription or direction of Exhibit H; is that in the hand writing of Dr. Bullions? Mr. Allen objects to this question and to any other relating to Exhibits H and I, as irrelevant and immaterial, and not within the issue. The objection is over-ruled by the Examiner, and the evidence received.

Answer—I am fully satisfied it is. It is in these words :

“Rev. A. Bullions, D. D.,

“Cambridge,

“N. Y.”

The foot note, I am fully satisfied, is also in the hand-writing of Dr. Bullions. It is in these words :

“N. B. Let Mr. D. Gordon have a reading of the above.”

On the trial of Dr. Bullions before Presbytery in April, 1838, these letters being Exhibits H and I, having been at the March meeting of Presbytery, brought to the knowledge of Presbytery, they formed a part of the matter on which Dr. Bullions was tried and deposed. Since I have been a member of the Cambridge Presbytery no charge of beastly intoxication or any intoxication has been made to Presbytery against any member of Presbytery to my knowledge, or come to my knowledge as an individual. I believe I am the A. Anderson referred to in those Exhibits. I have the minutes of Presbytery for as far back as 1823 or 1824; I have not particularly read the early minutes. I have sufficient reason to believe that Mr. Gordon did publish an article in the Religious Monitor, alleging that the minister of Cambridge Congregation had put some books of other denominations into the pews of his church. Mr. Gordon afterwards published in the same Monitor an article confessing that he had rashly made that statement and on insufficient evidence. This charge and retraction were both previous to 1836 and previous to 1833, according to my recollection. As to the 4th specification contained in Exhibits H and I, relative to “presumptive proofs,” such a paper, as there spoken of, was put into my hands by Dr. Bullions, only saying as he gave it, “Here is more trouble for you.” The paper had no direction or address, either inside or out. I wrote to Dr. Bullions, when I found its contents for information, what use I should make of it, or for what purpose he gave it to me; I received no answer. I offered it to Presbytery; they refused to accept it, and by protest I carried it to Synod. Previous to this, however, Dr. Bullions had said in Presbytery that he had given in a paper containing dissents and protests against the decisions of the commission, and that he expected that, before this time, the Synod had acted on it. This latter expression was made in November, 1833, shortly after the sitting of Synod; he gave that paper to me in July, 1833. That paper went up to Synod in October, 1834. I never used it for any purpose other than those before Presbytery and Synod I have spoken of. The Synod acted upon that paper.

Question by Mr. Clark—Did James Lourie testify before Presbytery that he regarded himself as tampered with by one or more members of the Presbytery of Cambridge?

Answer—He did not, nor did he, to my recollection, testify to any such purport or effect. Mr. James Lourie was a member of the Associate Congregation of Cambridge, and an elder of that church. He did not, to my knowledge, testify as a witness on that trial. John Dobbin was also an elder of that church, and was examined as a witness on this trial before Presbytery. I have no recollection of hearing him state or testify at any time that he himself, and he believed several others had been spoken to by members of Presbytery, stating to them that, if he and they did not take Dr. Bullions's part, the Presbytery would easily manage him, or words to the same amount, or to that effect. I think I should have been likely to remember a statement of that kind, if made by Mr. Dobbin. On that trial the Presbytery did not decline taking the testimony of John Robertson. The Presbytery were even desirous to take it, but on his saying he had no testimony to give to the point, Presbytery had nothing further to demand, and Dr. Bullions did not insist. The minutes of Presbytery, under date of 5th October, 1837, as extracted and contained in Defendants's answer, is a very defective minute. It is defective as representing that the ground of censure was an insinuation, whereas the words called an insinuation were the words of Dr. Bullions as he admitted in my hearing substantially, and were treated as such by the Presbytery in their dealings with him. The mistake was in the clerk's calling them an insinuation. The defect of the minutes was brought to the notice of Presbytery shortly after, but I can not say whether or not it was at the next meeting. Presbytery refused to change that minute because a copy had been given to Dr. Bullions. One of the reasons which operated on Presbytery, in drawing up a number of requisitions for Dr. Bullions to answer was that the charges had not been sufficiently expressed before, and to guard against Dr. Bullions taking advantage of any ambiguity or vagueness. Another was that Dr. Bullions complained when Presbytery did not accept of what he had said as satisfactory, that he knew not what they wanted. Mr. Clark produces a paper purporting to be an extract from the minutes of the Associate Presbytery of Cambridge, which the witness states to be a correct extract from the record book of that Presbytery; which document is hereto annexed and marked as Exhibit Q, on part of complainants. The reason given by the Presbytery for requiring strong and unequivocal evidence of Dr. Bullions's repentance in order to his restoration, was that his professions and declarations, in submissions to this Presbytery, have so often deceived them in times past. I was present at the *pro re nata* meeting in Cambridge, November 14th, 1837. The seven requisitions specified in Exhibit Q, on part of Complainants, were read at that meeting, but they were not all presented to Dr. Bullions to answer at that meeting; one was so presented at that meeting, which is numbered the 5th.

Question by Mr. Clark—Did he answer that requisition at that meeting? This question objected to by Mr. Allen of counsel for Defendants on the following grounds. Because this very question has been put to him and answered by this witness. The objection is over-ruled by the Examiner and the evidence received.

Answer—He did. The answer as contained in the minutes is correctly there stated, as near as it could be written down. The next meeting of Presbytery was on the 6th day of December, 1837. The answer to the other six requisitions were given, in writing by Dr. Bullions at this meeting. Which paper contained no answer to the 5th requisition, which had been before answered. At this meeting there was a question put to Dr. Bullions by Presbytery requiring evidence of his repentance for the slander which he had retracted in his

answer to the 5th requisition. Which question and answer are correctly stated on page 112 of the minutes of Presbytery near the foot. They are correctly stated in the minutes in the order in which they transpired in Presbytery.

A. ANDERSON.

Sworn, examined and subscribed
this second day of Feb., in
the year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*

*—

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*,
vs.
ALEXANDER BULLIONS, *et al*. } Cross-deposition of ABRAHAM ANDERSON.

Abraham Anderson, a witness produced before Jas. Gibson, one of the Examiners in Chancery of the State of New-York, by the complainants in the above entitled cause and examined by Mr. Clark of counsel for said Complainants, is now again produced before said Jas. Gibson, this third day of February in the year of our Lord one thousand eight hundred and forty two and being cross-examined by Mr. Allen of counsel for the Defendants, in the above entitled cause, deposeth as follows, viz. I believe I was present at the opening of Presbytery in October, on the 4th day of October, 1837. I have been clerk of the Presbytery since November, 1833. I believe I was not present at the very opening but came in shortly after it commenced. I was not present when it was organized at that meeting. That meeting was convened for general purposes, but there was also one special object; the special object for which the meeting convened was for the trial of a complaint made by Mr. Stalker against two members of the Presbytery. Those members were Mr. Miller and myself. That complaint was for false swearing before the Associate Presbytery of Albany. Mr. D. Gordon was not implicated in the complaint. I do not know that he was named as furnishing the matter on which the charge arose. I have not seen the complaint since that time that I recollect of. It is probably on the files of the Presbytery. I do not know that it is recorded in the minutes. I think I took the minutes a part of the time at that meeting, and Mr. Gordon a part of the time. Mr. Gordon got me to help him. He was appointed clerk. Dr. Bullions requested to be excused from sitting as a member of Presbytery on this trial. His request was not granted by the Presbytery. I cannot say precisely who voted on that question. I think however all voted except Mr. Stalker, Dr. Bullions, Mr. Miller and myself. The reason Dr. Bullions gave, for wishing to be excused was substantially this. That he was somewhat connected with this matter formerly. He did not explain very fully what he meant. Immediately after Dr. Bullions' request to be excused, was decided in the negative, Mr. Miller objected that Dr. Bullions should be excluded from a seat as a member of the court. The ground of the objection was that Dr. Bullions was, as Mr. Miller alleged, at the foundation of the complaint, but Mr. Miller explained himself afterwards. I do not recollect that after this Dr. Bullions again renewed his request to be discharged. By the minutes it appears that a motion was made after this to reconsider the vote refusing leave to be discharged to Dr. Bullions, which was decided in the negative. I think I left the Presbytery after five o'clock of the first day of its session. I

was not present during the remainder of the first day. I was not present at the opening of the meeting on the 5th day of October. I was not present when the minute was made relative to the words which Dr. Bullions had made use of. I did not hear the words of Dr. Bullions, which formed that minute when first stated by him. I am not sure that I was present when John Robertson and Mr. Skellie dissented for reasons to be given in. I think however I was not present at this time. I was not present when an imposition of silence was put on Dr. Bullions by the moderator. I do not know, from personal knowledge, for what that silence was imposed. I was not present when the first resolution of censure was passed on Dr. Bullions. I was not present when it was voted that the censure due to Dr. Bullions, be a rebuke. I stated what I would object if Dr. Bullions should sit as a member of the court. The paper I handed in is correctly copied on page ninety six of the minutes. It is as follows:—

“Though I do not feel anxious that Dr. Bullions be excluded from a seat in Presbytery on the trial of Mr. Stalker’s complaint against Mr. Miller and myself, yet he ought not to have a seat in this trial, because, according to the minutes of Presbytery and Synod, and his own declarations before this Presbytery, he is interested in the issue; and if the judgment of the Presbytery be adverse to me, I will plead that the procedure is vitiated by Dr. Bullions having a seat.”

(Signed,) A. ANDERSON.

Question by Mr. Allen, of counsel for Defendants—Why had Dr. Bullions an interest in the issue, and what was that interest?

Answer—About three years before Dr. Bullions rested his defence in Synod in a certain case on the very thing that Mr. Stalker was attempting to prove in this trial, Mr. Stalker intended to prove a certain thing, and thereby prove Mr. Miller and myself guilty of falsehood. Dr. Bullions offered, in 1834, in July I think, on a trial before Presbytery, two witnesses, one of whom was Mr. Stalker. Presbytery called on Mr. Stalker to give his testimony. Mr. Stalker refused to state on oath the fact alleged in Dr. Bullions’s objection. Dr. Bullions afterwards objected, that Mr. Stalker’s testimony was not called for, and that Presbytery decided in the absence of evidence; and on this ground he pleaded his defence in Synod at the following meeting. Mr. Stalker substantially asserted the same thing. Mr. Miller and myself, in testimony before the Presbytery of Albany, maintained the truth of the minute on the contrary. For this testimony Mr. Stalker charged Mr. Miller and myself. Mr. Clark objects to all the testimony from the beginning of the cross-examination of this witness, and particularly from and after that part of the testimony which begins with, “I stated what I would object if Dr. Bullions,” &c., as immaterial and irrelevant, and not within the issue.

The subject of the trial above referred to, in July, 1834, was an objection by Dr. Bullions to communion with Mr. D. Gordon,—which objection is in the following words:—“In regard of principle, I hold myself bound to maintain communion, as far as opportunity offers, with all, when no scriptural impediment interposes; but decline this communion in now existing circumstances with the Rev. D. Gordon, because of certain statements made by him in presence of this Presbytery, at Hebron, June, 1833; and which I regard as untrue and slanderous, and not yet recalled:—Such as, “asserting that I was without godly sincerity and christian honesty, and guilty of habitual misrepresentation.” It was relative to this objection, that Dr. Bullions objected, that Mr. Stalker’s testimony was not called for by Presbytery, and Mr. Stalker substantially sta-

ted the same thing, and out of this, grew the charge against Mr. Miller and myself, as I have already stated in my testimony. That was the sole ground of my considering that Dr. B. was not a proper judge in my cause. Mr. Clark objects to this testimony given since the last objection, on the same grounds as are stated in said objection.

The ministerial members present at the time of the investigation of the charges against Mr. Miller and myself, were Messrs. Stalker, Bullions, and A. and D. Gordon, Miller and myself. Messrs. Stalker, Miller and myself did not act as members of the court on that occasion. The trial proceeded on the fifth day of October till a recess. The motion, that the censure due to Dr. Bullions be a rebuke, was made and carried before Mr. Stalker opened the case against Mr. Miller and myself. After the recess the silence previously imposed on Dr. Bullions by the moderator, was removed. Dr. Bullions was not present when the minutes were interleaved at the meeting of Presbytery on the 7th day of February, 1838. He did not consent to the alteration; I do not know that he had any notice that they would be amended, or of the intention to amend. The Presbytery did not administer the rebuke to Dr. Bullions; they never administer a rebuke unless the party submits, and Dr. Bullions refusing to submit to it, he was not rebuked. The judgment of the court was that Dr. Bullions should be censured, and that the censure should be a rebuke; there was no other censure than the rebuke proposed at that time. I could not say that the sentence of rebuke was a final, definitive sentence in this case. The court, according to the rules of the church, could have imposed further censure after the rebuke had been administered for that offence. There is a rule, sometimes followed, in *Perdivan*, which I can not now refer to, but think I could if I had time; that after rebuke, there may be further censure. There is an authority in part in the book of discipline, page 55th, title "Rebuke." To make my meaning more full, the submission to a rebuke would suppose a compliance with the requisitions of Presbytery. An authority may be found in *Perdivan*, page 170, section 8th, which I consider a digest from the acts of the General Assembly of Scotland. Dr. Bullions had a right to offer a protest and appeal from the sentence imposing the censure of rebuke upon him. He had a constitutional right to protest and appeal from the sentence of rebuke, in case it is meant by that, that he had a right to offer such protest and appeal. The Presbytery could not deprive Dr. Bullions of the right of going to Synod, but they could deprive him of going there by appeal from this decision. In such case he could go before Synod by memorial.

Question by Mr. Allen—Has not every person accused, the right according to the rules of discipline and practice of the Associate Church, to protest against and appeal from the decision of an inferior court to a superior one?

Answer—I can only say as I said before, that he has a right to offer a protest and appeal. The inferior court has the right in such case, to reject the protest and appeal, so as to deprive the party of his right to go to the superior court by appeal. As authority for this remark I would quote the 60th, and 61st, pages of the Book of Discipline. If the court see fit to reject the first protest and appeal, the party has a right to offer a protest and appeal against the rejection of the first protest and appeal. For this I would cite the same authority as last cited. The meaning of the two lines on the 61st page of the Book of Discipline, which say—the party may protest against the rejection of his protest—is that he has the privilege of offering his protest against the rejection of his first protest. If the court admit his second protest, that carries the cause to the superior court, if he do not fall from his protest. If the former protest was against a definitive sentence, the latter protest would carry up

the whole cause for a review on its merits. If Dr. Bullions had submitted to the sentence of rebuke after the rejection of his first protest and appeal, he could not then with propriety have carried up the cause to Synod by memorial, unless in after procedure he has new grounds for bringing the matter up.

Question by Mr. Allen—If Dr. Bullions had submitted to the censure of rebuke after the admission of his second protest and appeal against the rejection of his first protest, could he still have carried the cause to the Synod, by the latter protest and appeal?

Answer—He could not, because, the submission would be a renouncing of the protest. Contumacy is an offence, by the rules of discipline of the Associate Church. Contumacy is a manifestation of contempt of the authority of the church courts. For authority, see Perdivan, page 169, section 6th. Refusal to submit to the decisions of the church courts, is not in every case contumacy. It is not contumacious when time is given to the person censured, by the court, for reflection or for appeal. When a first protest and appeal is admitted, it is not contumacious not to submit. It is contumacious for a person to refuse to submit to censure, when the court insist upon submission.

In answer to a question by Mr. Allen, the witness stated; I think it was contumacious in Dr. Bullions to refuse submission to the censure of rebuke by the Presbytery, after the rejection of his first protest and appeal. It is not censurable for one member of a church court, simply to state of another member, that there are unfavorable reports against such members.

Question by Mr. Allen—Wherein did the offence consist of Dr. Bullions' statement concerning some members of the court?

Answer—Having stated it, that he would not furnish the means of investigation; Dr. Bullions in this case refused to furnish the means of investigation; he refused in the first place to give the names of the members of the court against whom he had stated the reports were; he also refused to furnish specification of the charges at the time of the meeting of the fifth day of October, 1837.

Question by Mr. Allen—Does it appear on the minutes of the meeting of the fifth day of October, 1837, that Dr. Bullions refused to furnish the specification of the charges against the members spoken of by him. Mr. Crary, of counsel for Complainants, objects to this question on the following grounds: that the minutes are in the possession of the party, and he can inspect them as well as the witness. The Examiner over-rules the objection and receives the testimony.

Answer—It is not formally expressed on the minutes as I see. I mean by the word "formally" that it is not explicitly stated.

Question by Mr. Allen—Is it stated at all on the minutes of the 5th day of October, 1837. The like objection by Mr. Crary, and is over-ruled in like manner. The grounds of Mr. Crary's objection are that the minutes are now before the Examiner and the parties, and are the best evidence. Also that the question has been put to the witness to be answered by parole, and that he answered, and he is now asked to shew by the minutes that his answer is not correct. Mr. Allen answers to this that the minutes are in the hands of the witness when the question is asked, and that he has been examining him with reference to the meeting of the fifth day of October, 1837, from the minutes.

The witness then states as follows:—It is not stated at all in the minutes of that day, but I mean by the word stated, that it is not explicitly stated. Dr. Bullions at the meeting of the 5th of October, 1837 gave the names of the four members of Presbytery against whom he stated the charges were. The names

are as follows: Messrs Miller, A. and D. Gordon and myself. He gave those names before the sentence of suspension was passed upon him as recorded in the minutes of that meeting. He also at the same time referred to persons by whom to prove the truth of the reports being in circulation. These persons were the Rev. George Mairs and the Rev. Peter Gordon. I believe I voted on the suspension of Dr. Bullions, and in the affirmative.

Question by Mr. Allen—Was the contumacy for which the suspension was voted refusing to submit to the censure of rebuke before imposed by Presbytery?

Answer—I say my judgment is that the contumacy consisted in his perseverance in the offences charged of which his non submission to the rebuke was the evidence. His refusal to submit formed no part of the contumacy, otherwise than as evidence of perseverance in the offences charged by Presbytery. The principal offence for which Dr. Bullions was suspended, was referring the means of investigating the reports which he alleged against his bretheren named, together with denying his own words and using a contemptuous expression in Presbytery. It was the right of any other member of Presbytery to cause the investigation of the charges if they had the means; but he was bound to do it by the rules of the Church. The Presbytery were bound to investigate the charges if they could obtain the means. They could by the rules of the Church have commenced an investigation and caused Dr. Bullions to attend as a witness by the rules of the Church, if they had the means of commencing. Neither the Presbytery nor Dr. Bullions could compel the attendance of witnesses before the Presbytery, who did not belong to the Associate Church.

Question by Mr. Allen—Can a member of the court who is an accuser sit in judgment on the accused? or on the trial of the matter?

Answer—If the alone accuser, he cannot; but, if the court be the accuser, they can. See as authority the book of Discipline, page 44, Perdivan, page 172, section 14.

Question by Mr. Allen.—If a party submits to an unjust sentence of a court on being required so to do by the court, what is his remedy, if he has any? The question is objected to by Mr. Clark on the following grounds: That it is a mere supposed case without any application to the cause and is assuming that a court will act unjustly, or that its sentences are unjust. Which objection is over-ruled by the Examiner and the evidence is received.

Answer—In some submissions it is perfectly consistent that he carry it up by appeal or memorial. For instance, in case of a suspension from the exercise of the ministry or the communion of the Church, see as authority for this the book of Discipline of the general Assembly Presbyterian Church, page 414, item 15. The witness explains that in the sentence in folio 152 he wishes to strike out of the sentence the words "his right to go" and insert the word "going" so as that the sentence will read as follows: "The inferior court has the right in such case to reject the protest and appeal so as to deprive the party of going to the superior court by appeal."

A. ANDERSON.

Sworn, examined and subscribed }
this 3d day of Feb., in the year }
1842, before me.

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY:
BEFORE THE CHANCELLOR.

<p>WILLIAM STEVENSON, <i>et al</i>, vs. ALEXANDER BULLIONS, <i>et al</i>.</p>	<p style="font-size: 3em;">}</p>	<p>Further cross-Deposition of A. ANDERSON.</p>
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Abraham Anderson a witness produced in this cause on the part of the complainants and examined by Mr. Clark, their counsel, and cross-examined by Mr. Allen, of counsel for Defendants, which cross-examination not having been finished, the witness is again produced, this eleventh day of July, 1842, at the place aforesaid, and being further cross-examined by Mr. Allen deposeth thereon as follows, viz:—

Question by Mr. Allen.—If a minister has been suspended by the Presbytery in consequence of his first protest and appeal from the sentence of suspension being rejected, and protests and appeals from the rejection of his protest and this carries the cause to the Synod, and the Synod reverses the suspension, what remedy, if any, has the minister and Congregation, for thus being deprived of his and their privileges during the pendency of the appeal?

This question is objected to by Mr. Clark, of counsel for Complainants, on the ground that it is a mere question of law, and that the same question might with equal propriety be put in the case of any indictment for crime where the man should afterwards be acquitted. The examiner over-rules the objection and receives the testimony.

Answer—I do not know that they have any redress except what is furnished by the reversal of the decision.

Question by Mr. Allen—What was the object of the meeting of the 14th November, 1837, of Cambridge Presbytery?

Answer—It was to take into consideration the affairs of Dr. Bullions and the Congregation of Cambridge.

Question by Mr. Allen—What was the paper which Dr. Bullions had handed into Presbytery at the previous meeting of Presbytery on the 6th of October, and which was considered among other things at the meeting, held 14th November, 1837?

Answer—It is as follows:—“The subscriber being prevented yesterday from recording on the minutes of Presbytery, his views of the language imputed to him, and voted censurable, begs leave from a sense of duty to himself, to religion, to this court, and to society, solemnly to declare in the presence of the Searcher of all hearts, that the language attributed to him, does not convey the meaning he intended; and that he regards it as improper, disclaims it, and if used by him, expresses his sincere regret for having uttered it.

(Signed)

ALEXANDER BULLIONS.

Argyle, October 6th, 1837.”

Mr. Crary of counsel for complainants, objects to this document as evidence on the following grounds: That it is examining the decision of the Presbytery, which when confirmed by the Synod, as in this case, was conclusive upon the parties.

Question by Mr. Allen—Was you present at the meeting of the Presbytery, at Salem, March 7th, 1838?

Answer—I was.

Question by Mr. Allen—Was that the first meeting at which the subject of the anonymous letters was considered?

Answer—I believe it was the first meeting at which it was judicially noticed.

Question by Mr. Allen—Had the subject of the anonymous letters been before Presbytery, at all previous to that?

Answer—Only by reference made by David Gordon, and a record of that reference, made on the 6th day of December, 1837. I was present at the whole meeting of the Presbytery of 7th March, 1838.

Question—Did you vote on the question, whether Mr. Gordon had proved his assertion in regard to the anonymous letters? The question is objected to by Mr. Clark of counsel for Complainants, on the ground, that this was a meeting of Presbytery of which Mr. Anderson was a member, and he cannot be examined as to how he voted, being a judge of the court. The objection is over-ruled by the Examiner and the evidence received.

Answer—I believe I did.

Question by Mr. Allen—Was Dr. Bullions present at the meeting of Presbytery on the 7th, and 8th, of March, 1838?

Answer—He was not.

Question by Mr. Allen—Was the appeal of which you spoke in your direct examination from a proceeding of the Presbytery, at the meeting of March 8th, 1838, recorded on the minutes, regular and according to the rules of discipline of the Associate Church? The question is objected to by Mr. Clark on the grounds, that it has no bearing on this case, and is irrelevant and inadmissible under the pleadings. The objection is over-ruled by the examiner, and the answer taken down.

Answer—It was regular.

Question—Have you any authority for that?

Answer—None except the general rule allowing appeals.

Question—Did you serve the citation with certification agreeable to the resolution of Presbytery at the meeting of March 8th, 1838.

Answer—I did not serve it personally.

Question by Mr. Allen—Did you ever know of an instance, except in the case of Dr. Bullions, when a party was proceeded against in your church, without three citations? The question is objected to by Mr. Clark, of counsel for Complainants, on the ground, that it is a mere question of practice in that court, and can not be enquired into here—that the decision of the Presbytery gave the Synod jurisdiction. The objection is over-ruled by the Examiner and the answer taken down.

Answer—I do not assume the words of your question, but I answer, this. I did know one case of censure on a person absent, without three citations. If it be necessary to the answer of the question, I deny that Dr. Bullions was proceeded against without three citations.

Question by Mr. Allen—Do you state that Dr. Bullions was not proceeded against, on the subject of the anonymous letters until he had three citations served upon him?

Answer—I do not state it. I mean he had not three citations under the charge of the anonymous letters.

Question by Mr. Allen—Who was the person of whom you spoke as having been censured without three citations? This question is objected to by Mr. Clark of counsel for Complainants, on the ground that the answer having been given to the former question, Defendants' Counsel is obliged to take it, and cannot ask another growing out of the former answer. The objection is over-ruled by the examiner and the evidence received.

Answer—It was Mr. Andrew Stark.

Question—By what Presbytery was he censured?

Answer—The censure was not by Presbytery, it was by Synod, in 1836.

Question—Was Mr. Stark present at that meeting of Synod ?

Answer—He was present a part of the time, but was absent when censured. Mr. Crary again objects to what has been answered since his last objection, as follows, viz : The question is calculated to cast suspicion on the witness in requiring him to prove what he states is true. That this is enquiring into an entire collateral matter not having any connection with the subject matter in issue, and as irrelevant and immaterial.

Question by Mr. Allen.—Had Mr. Stark a trial at that meeting of Synod ? Mr. Clark, of counsel for Complainants, objects to the question of Mr. Allen on the same ground as before. The examiner over-rules the objection and receives the evidence.

Answer—He had.

Question by Mr. Allen.—Was the censure of which you spoke as having been inflicted on Mr. Stark a sentence of suspension, as the result of his trial? The question is objected to by Mr. Clark, of counsel for Complainants, on the ground that Mr. Stark is not on his trial, and his conviction has nothing to do with this case, and that it is irrelevant and immaterial. The objection is over-ruled by the examiner and the evidence received.

Answer—It was.

Question by Mr. Allen.—At the next meeting of Synod in 1837, was that sentence of suspension reversed by Synod? The question is objected to by Mr. Clark, of counsel for Complainants, on the same ground as last above stated. The Examiner over-rules the objection and receives the evidence.

Answer—It may be considered as reversed by a curtailed Synod.

Question by Mr. Allen.—Did you serve the citation issued to Dr. Bullions at the meeting of 10th of April, 1838, returnable on the 12th ?

Answer—I did not myself.

Question by Mr. Allen.—How did you know it was served ? **Answer**, by the testimony of a respectable man.

Question by Mr. Allen.—What do you mean by " testimony ?"

Answer—I mean his word.

Question by Mr. Allen.—Was it under oath.

Answer.—I cannot say as I was not personally present, and speak from the credit of the minutes.

Question.—Was there any one appointed to act for Dr. Bullions during his trial, and when he was deposed ?

Answer.—There was not, and it is not required by the rules of discipline of the Associate Church. Mr. Allen objects to the latter part of this answer as not responsive to the question.

Question.—Did you vote to impose the sentence of suspension on Dr. Bullions on the fifth of October, 1837. Mr. Clark, of counsel for Complainants, objects to the question ; that it appears by the minutes what the decision was, and Defendants' counsel cannot ask how the witness voted, and parole evidence of that fact cannot be given. The Examiner over-rules the objection and receives the testimony.

Answer.—I believe I did.

Question.—Was that a vote of censure ? Mr. Clark, of counsel for Complainants, objects to the question on the ground that the minutes shew what the vote was, and the character of the discipline inflicted. The objection was thereupon over-ruled by the Examiner and the evidence received.

Answer.—It was.

Question by Mr. Allen.—At the meeting of Synod in May, 1838, was Dr.

Bullion's declinature and Mr. Goodwillie's protest, of which you have spoken in your direct examination, before Synod?

Answer—I believe the declinatures were present, the protest I believe was not.

Question by Mr. Allen.—Is it right, under the rules of the Associate Church, for an individual whose character is involved in the issue of the trial, to set in judgment on the accused?

Answer—It is not right for an individual.

Question by Mr. Allen.—Is a person accused, tried and censured required by the rules and discipline of the Associate Church to submit to the censure right or wrong?

Answer—Theoretically he is not, and practically he is. A court passing an unjust sentence believing it to be right, can do nothing less according to the rules of the Associate Church, than require submission, although the general rule requires submission only to righteous decisions.

Question by Mr. Allen.—Did you attend the meeting of the Synod in May, 1838 and 1839 as a member?

Answer—I did so.

Question.—Are you the person recorded in the minutes of those years as voting under the name of Anderson.

Answer—I am.

Question.—You stated in your direct examination, that the term "Congregation" in the Associate Church included only those in full communion. What do you call those who attend Church from Sabbath to Sabbath, pay pew rent, and their share towards the support of the gospel in the particular Church to which they attend, but who are not in full communion?

Answer—They are commonly called "hearers" or "adherents."

Question by Mr. Allen.—Of what description of persons is the Associate Church composed?

Answer.—Of professing christians voluntarily associated together for the enjoyment of divine ordinances according to the word of God, and submitting to a certain form of government.

Question by Mr. Allen.—Do you cite any authority for this?

Answer—I cite book of Discipline, pages third and 4th.

Question by Mr. Allen.—Do you cite any authority for your answer relative to "hearers or adherents?" I do not recollect of any except common usage in ecclesiastical courts and out of courts.

Question by Mr. Allen.—What is the difference, if any, between the term "Church" and the term "Congregation."

Answer.—The term "Church" may comprehend many congregations associated together, and sometimes it means the same as "Congregation," but the term "Congregation" never means the church as an extended body.

Question by Mr. Allen.—What is your authority for the last answer?

Answer.—The book of discipline, pages 3rd and 4th.

Question by Mr. Allen.—What is your authority, if any, for saying that the accused has in all cases no right to judge for himself, whether the decision against him by the church court, is in accordance with the rules of the church and the word of God, or not? Mr. Clark objects to the question on the ground that this question does not fairly present either any single answer or any collective number of answers given by the witness. Mr. Allen replies that it is in the words of a question and answer in the direct examination of the witness on this subject. The Examiner thereupon over-rules the objection and receives the testimony.

Answer—The question implies what I did not assert, and requires the qualification to be added which was included in the former question and answer, to wit:—"So as to affect his relation to the church." Under this statement of the question as qualified by me in this answer, I cite as authority the general principles of presbyterial church government as contained in the standards of the Associate Church.

Question—You have said in your direct examination that there are no cases in which the decisions of Synod are not final, because in the opinion of the person accused they are not in accordance with the rules of the church and the word of God. What authority have you for that answer?

Answer—The same authority as last given; and common sense which says that the opinion of an individual cannot nullify the decisions of the court or suspend it.

Question—Why are these words inserted in the ordination vow, viz:

"Remembering that, while they act uprightly, they judge not for men but for the Lord who is also with them in the judgment?"

Answer—I may not give the full, but I will give some of the reasons.—First: To assert the duty and office of the court. Second: The high obligations of their decisions, when correct.

Question by Mr. Allen—Is there a difference of opinion in the Associate Church, as to the effect of these words?

Answer—The Church, as a body, has manifested no disagreement, but some individuals have differed in opinion from the collective body on this point, or at least, have professed they have.

Question—Did George Lourie in his testimony before Presbytery on the investigation of the charge that two members of Cambridge session had been tampered with, state that he had been tampered with? Mr. Clark of counsel for Complainants objects to the question on the grounds, that it is immaterial and irrelevant and that the particular testimony of the witness on that trial cannot be enquired into here. The objection is over-ruled by the examiner and the evidence received.

Answer—According to my remembrance he said: "I considered myself tampered with"

Question by Mr. Allen—Was Mr. George Lourie's testimony stricken out, or disallowed by the Presbytery in considering the case? Mr. Clark of counsel for Complainants objects to the question on the grounds that it is immaterial and irrelevant and that the views of Presbytery as to the weight or effect of the evidence before them, cannot be enquired into here. The objection is over-ruled by the examiner and the evidence is received.

Answer—I think not, as Presbytery only gave judgment against it as irrelevant testimony.

Question by Mr. Allen—Do you know of any arrangement or calculation among the members of the Cambridge Presbytery or any of them previous to the *pro re nata* meeting of November, 1837, or at any other time, to exclude any of the members of Presbytery from sitting in Dr. Bullions' case?

Answer—I know of no such arrangement or calculation except my own thoughts.

Question by Mr. Allen—Did you hear of any such arrangement previous to the meeting?

Answer—Not to my recollection.

Question by Mr. Allen—Are you on friendly terms with Dr. Bullions?

Answer—If the question is understood to apply only to myself, I say I consider I am.

Question by Mr. Allen—Do you entertain now the same feelings of friendship toward him as you ever did?

Answer—I think I do.

Question by Mr. Allen—Do you think as highly of him as a man as you ever did? Mr. Clark, of counsel for Complainants, objects to the question, on the ground that it is immaterial and irrelevant, and his opinion of Dr. Bullions's qualifications in any particular matter, or of his particular standing, is not evidence of the degree of friendship that may exist between them.—The Examiner over-rules the objection and receives the answer.

Answer—My opinion of him may be less favorable while I have the same wish for his welfare, temporal and spiritual.

Question—Did you advise with the Complainants or any of them, or consult with them, relative to bringing this suit previous thereto?

Answer—I think I did not, except as called on by them for information; this I do not consider as consulting or advising.

Question by Mr. Allen—Was you present in Albany before the Chancellor on the argument of the motion for an attachment against some of the Defendants and for an injunction.

Answer—I have no recollection about the attachment, but have of the injunction, and was present in the court room of the Chancellor when it was argued.

Question by Mr. Allen—Did you take any part in the writing or publication of a pamphlet published by Chauncey Webster against Dr. Bullions, or against him and others?

Answer—I did not less or more to my knowledge.

Question by Mr. Allen—Did you go to Albany or send there, and advise the publication of that pamphlet?

Answer—I did not, nor did I advise directly or indirectly to it. I did not know of a particle of matter that was to be in it, and when I saw it I regretted the publication of it. Mr. Crary objects to all that part of the foregoing cross-examination of Mr. Anderson, which relates to the intermediate proceedings and practice of the Presbytery on its trials and of the opinions and votes of individual members on the questions which arose during those trials, and to all that portion which refers to the proceedings in relation to Mr. Stark, and it was understood that this general objection should have the same effect as if made at each question and answer.

A. ANDERSON.

Sworn, cross-examined, and sub-
scribed this 11th day of July,
in the year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. }
ALEXANDER BULLIONS, *et al.* }

A. ANDERSON's re-examination.

Abraham Anderson, a witness produced on the part of the Complainants in this cause and examined by Mr. Clark, of counsel for said Complainants, thereupon cross-examined by Mr. Allen, of counsel for the Defendants, before Jas.

Gibson, one of the Examiners in chancery, in and for the County of Washington, in the State of New-York, being now again produced before said Examiner, this twelfth day of July, in the year 1842, and re-examined by Mr. Clark of Counsel for said Complainants, deposeth as follows, viz:—

Question by Mr. Clark.—On the trial of yourself and Mr. Miller, before Presbytery, in October, 1837, you have given the names of the ministerial members present, give the names of the ruling Elders present?

Answer—Messrs Benjamin Skellie, John Robertson, John Henry, John T. Law, and George Boyd.

Question—You say that Dr. Bullions was not present at the meeting of Presbytery of 7th February, 1838, when the minutes were interleaved, as amended. Was his attention at any time called to that, and what did he say as to its correctness?

Answer—Though his attention may not have been called to it in Presbytery formally, he admitted and assumed the truth of the matter of them in his answer to Presbytery, November 14th, and December 6th, 1837 as they were afterwards interleaved and amended by Presbytery in February, 1838.

Question by Mr. Clark.—Please explain the facts, in relation to Dr. Bullions refusing to furnish specifications of charges and to give the names of persons against whom he made the charges at the meeting of Presbytery, on the 5th of October, 1837, and of the witnesses and what he finally did in relation to furnishing the same, and the action of Presbytery connected with it during the progress of the matter that day? Mr. Allen of counsel for defendants, objects to this question on the following grounds, viz: That the whole subject was inquired into on the direct examination and cannot now be again examined into. That the minutes of Presbytery already exhibited, shew the facts and are the best evidence. Mr. Clark replies that he asks this question relative to questions asked on the cross-examination, which upon the deposition leave it in confusion and he wishes an explanation. Mr. Allen replies that his cross-examination was in reference to the direct examination on this very subject. Whereupon the examiner over-ruled the objection and received the evidence.

Answer—Before any vote of censure was passed upon Dr. Bullions on the 5th of October, 1837, he refused to give the names of the members to whom he referred. This was in the forenoon. Dr. Bullions being deprived of the privilege of debate for that sitting, his case was laid over till the afternoon, and other business taken up. In the afternoon the sentence imposed being removed, the Presbytery proceeded with Dr. Bullions's case. A vote of suspension being proposed, Dr. Bullions rose and gave the names which had been refused in the morning, but still did not give the specifications of charge.

Question by Mr. Clark—What do you mean when you say, for that sitting, and what is meant in the record by the term sitting?

Answer—We mean the same in the record as the old word "sedement" terminating by each recess or adjournment.

Question—When you say that one of his offences was denying his own words, and using a contemptuous expression to Presbytery, what was that expression? Mr. Allen, of counsel for Defendants, objects to the question on the grounds, that the attention of the witness has been already called to this subject in his direct examination, and that he has already testified that he was not present when the expression was made, and can not therefore of his own knowledge, state what it was, and that the minutes are the best evidence on the subject of what that expression was. Which objection is overruled by the examiner and the answer received.

Answer—According to the minutes it was in substance, that they might censure him till they were tired.

Question by Mr. Clark—Did Dr. Bullions give to the Presbytery the words he did use or intended to use on the occasion referred to on the 5th of October, 1837? Which question is objected to by Mr. Allen, of counsel for Defendants on same grounds as before.

Answer—He never did to my knowledge give to Presbytery the words which he intended to use other than those attributed to him.

Question by Mr. Clark—Why was not the paper handed or sent to Presbytery by Dr. Bullions of the 6th of October, 1837, deemed by Presbytery, satisfactory? Which question is objected to by Mr. Allen, of counsel for Defendants, on the same ground as before. Whereupon the examiner over-ruled the objection and received the evidence.

Answer—First: Because they judged the forms of it sinful. Second: He did not state therein nor thereafter what he did mean. Third: He still refused the means to investigate the charges he had made, which last was the chief ground of Presbytery's complaint at that time.

Question by Mr. Clark—Was Dr. Bullions notified previous to the trial of Mr. D. Gordon, in March, 1838, that he, Mr. Gordon, was to be tried at that time on the charges which he had made against Dr. Bullions, of having written or caused to be written, slanderous letters, &c? Which question was objected to by Mr. Allen of counsel for Defendants on the same ground as before, and also that the evidence is irrelevant and immaterial. Whereupon the examiner over-ruled the objection and the answer was taken down.

Answer—He was ordered by Presbytery to be notified. I as clerk wrote the notification, and sent it, but by whom I forget, and I believe it was served: Mr. Allen objects to that part of this answer in which the witness states his belief.

Question.—What do you mean when you say that the sentence of suspension on Mr. Stark, "may be considered as reversed by a curtailed Synod?"

Answer—I said it may be considered as reversed, because Mr. Stark was restored to the exercise of his ministry, and the communion of the church without a trial, or examination of his cause, and "curtailed" when the reversal was refused in a tolerable full Synod, and after many of the members had gone away, a re-consideration was voted, and Mr. Stark restored.

Question by Mr. Clark—You say in your answer to Mr. Allen's question, that the church can do nothing less than to require submission to its decisions although the general rule requires submission only to righteous decisions, who is to judge whether the decision is righteous so far as the privilege of the accused is concerned in the participation of church privileges and ordinances, and the exercising its offices? Mr. Allen objects to the question, that it has been put and answered on his direct examination. Which objection is over-ruled by the examiner and the evidence received.

Answer—It is the church court only. For authority, see confession of faith, page 575.

Question—When George Lourie, in his testimony before the Presbytery as spoken of in your cross-examination, said, "I considered myself tampered with," was he asked who it was he considered had tampered with him?

Answer—He was.

Question—Did he answer then?

Answer—He did not; he refused.

Question—When did he answer, if ever, who it was and under what circumstances? The question is objected to by Mr. Allen as immaterial. Which objection is over-ruled by the Examiner and the evidence received.

Answer—At the same meeting of Presbytery at which he declined to answer, but not till after much dealing with him for the purpose.

Question—Who did he say the person was? Mr. Allen objects same as before. Which objection was thereupon over-ruled and the evidence received by the Examiner.

Answer—He said it was the Rev. James Irvine; was Mr. Irvine then a member of the Presbytery?

Answer—He was not, and had not been for three or four years.

Question—When was this testimony given by Mr. Lourie, as stated above and where?

Answer—On the 21st day of January, 1836, at Hebron he gave the name of Mr. Irvine.

Question—Where else did he give testimony on this subject?

Answer—He had previously given testimony on it on the 4th of November, 1835, at Cambridge.

Question—Why was the testimony of Mr. Lourie at Cambridge judged to be irrelevant?

Answer—Because the charge was of tampering with two members of Cambridge Session, and these two were found at the meeting of Presbytery in Hebron to be Messrs. Ashton and Cook, and Mr. Lourie's testimony was now ascertained not to refer to them, therefore it was irrelevant to the charge.

Question—Is the second declinature of Dr. Bullions sent in to Presbytery at their meeting, at Argyle, in April, 1838, correctly copied on page 28th, of the book marked as Exhibit O, on part of Complainants? Mr. Allen, of counsel for Defendants, objects to this question, on the grounds that the original ought to be produced, and is the best evidence. Objection over-ruled and evidence received.

Answer—It is substantially, and I believe literally.

Question—Have the members of the former Vermont Presbytery, together with Dr. Bullions and other persons who have been suspended or deposed by the Associate Synod, formed a new Synod under the same or some other name, as you are informed. Mr. Allen, of counsel for Defendants, objects to this question, on the grounds that it is irrelevant and immaterial, and is calling for matter which has arisen since the commencement of this suit, and for which there is no foundation in the bill, and which is not within the issue which was joined before the matter called for occurred, and that it calls for hearsay testimony. The Examiner over-rules the objection and takes down the answer.

Answer—They have, according to my information from uniform report, and what purports to be the minutes of their Synod. That part of the answer which speaks of minutes of Synod, Mr. Allen objects to, because the minutes should be produced, as they are the best evidence.

A. ANDERSON.

Sworn, re-examined and subscribed,
 this 12th day of July, in }
 the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY:
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. }
ALEXANDER BULLIONS, *et al.* }

A. ANDERSON's further cross
Examination.

Abraham Anderson, a witness; produced on the part of the Complainants, in this cause, and examined, cross-examined and re-examined by the counsel for the parties in the above entitled cause, being again cross-examined by Mr. Allen, of counsel for said Defendants, deposeth as follows, viz.:

Question by Mr. Allen—Are the assumptions and admissions, to which you refer in your re-examination, as having been made by Dr. Bullions to Presbytery, on the 14th day of November, 1837, and 6th of December, 1837, contained in the minutes of Presbytery of those meetings?

Answer—They are on pages 106 and 112.

Question by Mr. Allen—Did Dr. Bullions persist in maintaining, at the several meetings of Presbytery, spoken of above in your re-examination, that he never used, according to the best of his knowledge, the words imputed to him as censurable.

Answer—He did so at both those Presbyteries; yet at the same meetings he answered questions in which he directly recognized the truth of the charge; and these questions and answers are contained in the minutes of Presbytery of those meetings.

Question—Did John Robertson enter his dissent against the correctness of that minute? Mr. Clark objects, that this question has been answered before, and has been proved by the minutes. Which objection was over-ruled by the examiner, and the evidence received.

Answer—John Robertson entered his dissent; it is not definitely said against what: it will be found on page 95 of the minutes. I was not personally present, and speak as to this matter on the credit of the minutes.

Question—How many members of the Synod usually assemble at a meeting?

Answer—They vary very much from perhaps 50 to 90 or upwards.

Question—What would you call a tolerable full vote of Synod?

Answer—The vote of the greater part of the members met at the time.

Question—How many members were present at the meeting in May, 1837.

Answer—I think upwards of 90. I was moderator that year.

Question—What was the question taken on the tolerable full vote you spoke of, and how many voted?

Answer—The question was, "to sustain the chair or not in the decision that the sentence of suspension still remains unreversed." The number of votes taken was between 60 and 70. On one side 33 or thereabouts, and on the other about 31.

Question—Before this vote, had a vote been taken in Synod and carried after full discussion, to review the proceedings of Synod for the preceding year relative to Mr. Stark? Mr. Clark objects that the evidence is irrelevant and immaterial and improper. The examiner over-rules the objection and receives the evidence.

Answer—There had been.

Question—How many votes were given on the motion to reconsider the previous vote?

Answer—The number is recorded as 44, and I believe from memory, is correct.

Question—State the yeas and nays on that vote? Mr. Clark objects to this question, and also to the whole of the examination on this subject. The examiner over-rules the objection and receives the evidence.

Answer—Yeas, 30; nays, 14.

Question—Could any person move to reconsider, but one who voted to sustain the chair? Mr. Clark, of counsel for complainants, objects to the question last put on same ground as before. Which objection is over-ruled by the examiner and the evidence is received.

Answer—He could not, because the vote to sustain the chair was a majority vote.

Question—How many members attended Synod at their meeting in 1838? Mr. Clark, of counsel for Complainants, objects to this question on the ground that it is immaterial, and the minutes are made an exhibit and they will shew. The examiner over-rules the objection and receives the testimony.

Answer—Seventy-nine, according to my court.

Question—When Mr. George Lourie first testified in November, 1835, relative to his being tampered with, was he directed by the moderator not to give the name of the person who he considered had tampered with him?

Answer—I have no recollection of such an order.

Question—Was he required by Presbytery at that meeting to give the name?

Answer—I have no recollection of it.

Question—Did he at the meeting in January, 1836, give the reasons why he declined to give the name, and if so, what were they?

Answer—I recollect of him complaining that it was a very delicate matter to give the name, and of his fear of a prosecution. That is all I recollect.

Question by Mr. Allen—Is it according to the rules and practice of the Associate Church to notice or take up for trial, or censure words uttered by a member at a previous meeting of Presbytery, unless they were recorded or noted at the time in the minutes.

Answer—It is not contrary to any rule that I know of; nor do I know that it is contrary to the practice of the Associate Church.

Question by Mr. Allen—Can you give any cases or examples?

Answer—None occur to me.

A. ANDERSON.

Sworn, cross-examined and sub-
scribed this 12th day of July, in
the year 1842, before me.

JAMES GIBSON, *Examiner in Chancery.*

I certify the foregoing to be a correct copy of the Deposition of the Rev. Abraham Anderson, in the above entitled cause, as examined and compared with the original, by me.

JAS. GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, <i>et al</i> , Compls. } vs. } ALEXANDER BULLIONS, <i>et al</i> . Defs. }	}	Deposition of REV. JOHN G. SMART.
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Deposition of witnesses produced, sworn and examined in a certain cause now pending in the Court of Chancery of the State of New York, before the Chancellor of said State, wherein William Stevenson, William Roberson, Alexander McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, John Arnot, James Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster and William Livingston, members of the Church, in full communion, known as the Associate Congregation of Cambridge, of the County of Washington, in the State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Coulter, James Shiland, Robert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge together with the Associate Congregation of Cambridge of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Defendants on the part of the said Complainants, before James Gibson, one of the Examiners in Chancery, &c. at Salem in the County of Washington this 8th Sept. 1841 as follows, viz: The parties to this suit mutually waive the giving in of the names of the witnesses to be examined herein. John G. Smart produced as aforesaid on the part of the Complainants, and being duly sworn deposes as follows, viz:

I am a resident of the city of Baltimore, in the State of Maryland. I am a clergyman of the Associate Church, and am thirty-seven years of age. I have charge of a congregation of the Associate Church in the city of Baltimore and have had such charge for four years past, and have had charge of Congregations in the Associate Church for twelve years passed. The Associate Church has a material form of government, in the United States. The different Church judicatories in that body are a Session. Presbytery and Synod. The Session is constituted by the Pastor of the Congregation, and the Elders belonging to the same Congregation; they have the power of admitting persons to the fellowship of the Church and of suspending them from the communion. The Presbyteries consist of the Pastor within certain limits and one ruling elder from each Congregation which has a settled minister over it. Two ministers and one Elder make a quorum. The Presbytery can take cognisance of charges against a minister, a session cannot take cognisance of a charge against a minister. A Synod consists of the ministers of the various Presbyteries and an Elder from each settled Congregation. Presbyteries at a remote distance may appoint Delegates, to attend and the rest remain at home; but our Synod is not a delegated body. The Synod are the Judges of the qualifications of their members. Ministers are entitled to seats in Synod, if in good standing in the Associate Church, and Elders of vacant Congregations may be assumed there is only one Synod of the Associate Church in North America. There are numerous Presbyteries in the Associate Church. Cases decided by the

Presbytery may be appealed to Synod. They may come up by appeal, reference, Complaint or memorial. The Synod is a Church Court of last resort and its decisions are final. The Associate Church has a book of Discipline.—There has been only one book of Discipline of the Associate Church. The book marked as exhibit A, on the part of Defendants is that edition. On that book and on page seven will be found what constitutes a Session. A Presbytery is defined on page ten, article fourth of part first. A Synod is defined on page 12, article fifth of part first. I know of no particular article shewing that there is but one Synod in North America. It was understood at the formation of our Church, that the limits of the Synod were co-extensive with the continent of North America. In the 169 page of the declaration and testimony of the Associate Church, will be found an act of the Associate Synod of Scotland, defining the connection, between that Synod and the Synod of North America. Subsequently this connexion was in a good measure changed. The government of the Church in North America, is a government of subordination: vows are required of ministers, to submit to this subordination; the ordination vow, is one. The formula of questions at the one hundred and seventieth page of the declaration and testimony, is an acknowledgement of this form of Church government, and at question six is an engagement to submit to the Church judicatures. A deposed or excommunicated minister is not in good standing in the Associate Church. In Presbytery we have a moderator. He presides and keeps order and can silence a member. He is possessed of all the necessary powers to keep order. On page twenty seven of the book of discipline in the eleventh rule of procedure, gives the powers of the moderator in cases of this kind. There are two kinds of declinature. A declinature is lawful, when a court is declined because the court has made some unjust interlocutory sentence which if carried into effect, would make the final decree unjust. In the collections by Stewart "of Perdivan" will be found the authority of the Associate Church on this point. In book fourth, title fifth, Section ninth, it will be found. See pages one hundred and ninety four and one hundred and ninety five of the Abroath edition of 1802. Also in the first volume of "Gibs display" on page 165, 166, 167, 168, 169 170 & 171. This contains the declinature of the fathers of the Associate Church to the General Assembly of Scotland. This document we contend was a lawful declinature, and shows what we consider is a lawful declinature. Mr. Erskine was one of the Fathers of our Church. He separated from the General Assembly because of errors in the Church, which were pointed out in his Synodical sermon. An unlawful declinature would be when a member refused to be tried by his own Presbytery, and refused to recognise his own Presbytery, as having authority to try him. This will be found in book fourth, title fifth, section ninth, page 194, of Stewart's collection. In case of a minister making an unlawful declinature deposition is the censure which follows. This doctrine is contained in the last reference. I was a present member of the Synod when the case of Dr. Bullions came up, and was disposed of. It came before Synod in a peculiar way.

Mr. Crary, of counsel for Complainants, proposes to ask the witness whether Dr. Bullions was charged before the Synod with having circulated anonymous letters against his brethren. Mr. Allen, of counsel for the Defendants, objects to the question, on the ground that it is immaterial and irrelevant, and no proper foundation for it in the Bill and not within the issue. The Examiner overrules the objection and receives the testimony. Mr. Allen objects that if any charges were made and were in writing, they should be produced. The witness then stated that Dr. Bullions appeared before Synod with a complaint against his own Presbytery, which Synod refused to notice. The minutes of

Synod for 1838 shew the proceedings in the matter; on page twenty-six of the minutes of Synod of 1838 shew the decision of Synod with regard to the taking up of that case. Mr. Crary, of counsel for Complainants, then produces a pamphlet which is made Exhibit B, and which the witness states contains a true and correct statement of the proceedings of Synod relative to the case of Dr. Bullions at the session in 1838. Presbytery had authority to proceed in the absence of Dr. Bullions. In case a party neglects or refuses to attend on summons, they may proceed the same as if he was present; see book of discipline, part third, article second, page 46th, and also the form of process which is an adopted standard of the Associate Church on page 217 of Stewart's collection, chapter seventh, section 6th, contains the same doctrine; and is recognized in the book of discipline as is shown in the advertisement prefixed to the book of discipline. The case of Dr. Bullions was not regularly before Synod by protest and appeal. The court below consenting to its being brought into Synod, it was equivalent to a reference. If the Presbytery had not consented, Synod could not legally have taken cognizance of the case. When this case was brought before Synod they met in the city of Philadelphia, on the twenty-third day of May, in the year 1838. I was present at the meeting, as one of the members of the court. Synod had the power of examining and adjudging upon the validity of the proceedings of the Presbytery of Cambridge, touching the proceedings in the case of Dr. Bullions, and finally determining it. The book of discipline, page 12th, article 5th, part first, proves this, and it is also shewn by the 61st and 62d pages of the book of discipline, part third, article 12th. I would also refer to Stewart, book fourth, title 5th, section 7th, on page 194.

Mr. Crary, of counsel for Complainants, produces a book called "Collections and observations methodized by Stewart of Perdivan," and is the Abrouth Edition of 1802, which the witness says he has used, and which he finds to be in conformity with other editions, which book is marked as "Exhibit C," on the part of Complainants.

The decision on the case of Dr. Bullions was necessarily final, it being a decision of the court of last resort. Dr. Bullions protested against it. Permission was given him to protest, and he had liberty to reduce it to writing, which was afterwards presented. A protest against the decision of a superior court is the strongest form in which disapprobation of the decision can be pronounced, and is done by the party while at the same time he submits himself to the decision. This will be found on page sixty-second of the book of discipline, part third, article 12th. The protest was finally reduced to writing, and delivered to Synod by Dr. Bullions. It will be found on the minutes of the year 1839, and at page twenty-third of those minutes and continued on page twenty-four. In every case of protest, when the party intimates an intention to resist the decision, it is considered as a declinature. Synod gave an answer to this protest as appears by the minutes of 1839; and on page thirty four in which they take that view of the protest of Dr. Bullions. The Presbyterian form of church government is that which governs the Associate Church. In the exercise of that form the court requires present submission to its decisions. The court of final resort always does so, and subordinate judicatories do so also, unless they admit a protest, which protest if admitted in all cases sists proceudure. They have power to proceed however and reject the protest and go to issue. See book of discipline, page sixty, part third, article twelfth. There can be no forgiveness without submission. In case of refusal to submit the censure advances and is increased with the contumacy of the party. See book of discipline, part third, article eighth, sec-

tion fifth, on page fifty-seven. In proportion as the party holds out, the offence increases in turpitude. In one sense the higher punishment of excommunication is for the contumacy. Conscience is not the appeal with us, it is the word of God, and the subordinate standards of discipline. A party resisting the operation of a sentence on the plea that he conscientiously believed it to be wrong could not on that plea or on its ground retain his standing in the Associate Church. The Synod is a court which continues but a few days, and they had power to refer him back to the Presbytery of Cambridge. According to the rules of Synod, that reference required a literal compliance on the part of Dr. Bullions, and he could not therefore go to any other Presbytery, and render submission. The Presbyteries are confined to certain geographical limits, and no Presbytery can in the exercise of its jurisdiction over-step those limits. Reference is to book of discipline, pages ten and eleven, article fourth of part first. Also, the act of the Associate Synod erecting the Presbytery of Vermont, which will be found in the minutes of Synod for the year 1838, pages thirty-five and thirty-six. The Presbytery of Vermont had no power or right to exercise jurisdiction in the case of Dr. Bullions, because he resided in the bounds of another Presbytery, and had been referred by order of the Synod to the Presbytery of Cambridge. There is no similarity between the case of Dr. Bullions and that of Ebenezer Erskine. This answer is objected to by Mr. Allen, of counsel for Defendants. Over-ruled by the examiner.

Mr. Cray, of counsel for complainants, proposes to ask the witness what the difference is? Objected to by Mr. Allen, of counsel for Defendants, and received by the examiner.

Mr. Erskine was adjudged worthy of censure for the exercise of his right of testifying in a sermon against the defections in the Church of Scotland. This was the Synodical sermon preached by him before the Synod of Perth and Sterling. Dr. Bullions's case on the other hand originated in a charge of an immoral character in practice. I consider these the fundamental points of difference. One was charged with doing what his public profession declared to be his duty. The other with doing what his profession declared to be sinful. Mr. Erskine ultimately seceded from the Church of Scotland. He first carried his protest and appeal to the General Assembly. This will be found in the first volume of Gibb's Display, page twenty-seven to thirty-six. The General Assembly refusing to sustain his protest, and refusing to permit him to enter a protest against their decision, but appointing him to be censured for making that protest; he then made a secession from the General Assembly. Mr. Erskine was not charged with any immorality by the General Assembly. After the deposition of Dr. Bullions was confirmed by Synod, they sent two ministers to heal the difficulties in the congregation. The Rev. Alexander T. McGill and Joseph McKie, both of them being ministers of the Associate Church. The Synod had a right to appoint this commission, as by reference to the book of discipline, part first, article fifth. A Trustee, or the board of Trustees, of a Congregation in the Associate Church, have no right by the law and custom of the Church, to employ a minister to preach. This last answer is objected to by Mr. Allen, of counsel for Defendants, and is received by the examiner.

Mr. Cray asks the witness whether the Trustees of a Congregation, according to the law of the Associate Church, have a right to close the doors against a minister in good standing in the Church, and against the Congregation?

Mr. Allen, of counsel for Defendants, objects that the question is a question of law to be decided by the Statute, and is immaterial. The Examiner over-

rules the objection and receives the testimony. According to the laws of the church the Trustees have no right to shut out a regularly appointed minister, and such an act would be an act of rebellion against the proper authority. We view the Trustees as acting in the place of Deacons, and the Confession of Faith says that the Deacons act in subordination to the Elders and in obedience to their directions. The Confession of Faith, page 572, edition of 1838, contains a specification of the duties of a Deacon. See also 3d and 4th and 5th pages of the book of discipline. The proper and lawful way in which a minister may be invited to preach, generally is by the Pastor, and in his absence the Session, but this privilege of invitation only extends to a day or two, the usual way of supplying a vacancy is by Presbyterian appointment. See book of discipline, page eleven. Neither the Congregation nor the Trustees have power to refuse to receive a minister in regular standing, who has been appointed by the Presbytery or Synod, to minister for a few Sabbaths. See book of discipline, page eleven which gives this power of appointment. It has been the uniform practice of the Synod and of the Presbyteries so to practice, and I never knew an instance of resistance till this. Mr. Cray, of counsel for Complainants, asks the witness whether a Presbytery in the Associate Church has a right to recognize and declare who are and who are not the elders and members of any Congregation in their bounds, in regular and good standing, particularly in such a situation as the Congregation of Cambridge stood on the twenty-seventh day of June, in the year 1838. Mr. Allen, of counsel for Defendants, objects that the testimony is not within the issue, and there is nothing in the Bill on which to found the testimony, and that it is otherwise immaterial and irrelevant. The Examiner overrules the objection and receives the testimony. The witness says he has no hesitation in saying that such a power exists in all presbyterial bodies and in Synod. It is a power necessarily implied in the power to organize; see book of discipline on page 11th. There cannot be a legally organized Congregation in the Associate Church, without a legally organized Session. A legally organized Session is one recognized by Presbytery; see Confession of Faith, pages 575 and 576. Mr. Cray, of counsel for Complainants, asks who, according to the principles and practice of the Associate Church, has a right to vote for Trustees. Question objected to by Mr. Allen, of counsel for Defendants, on the ground that the law of the State prescribes who shall vote, and that it is not within the issue. Objection overruled by the Examiner and the evidence is received.

The witness answers that no person can vote for trustees, who is not a member of the church, in full communion with the church. Such is the principle, but I do not mean to say that such is the uniform practice. See confession of faith pages 564 and 572. The meaning of the term "Congregation" as it is used in the books of the Associate Church, is members in full communion together with their children, until those children become capable of acting for themselves. Book of Discipline, pages 3rd and 4th, and also pages 8th and 9th; also in the confession of faith, pages 572 and 573. The term Church taken in its utmost extent denotes the whole body of the faithful or professed followers of our Lord Jesus Christ, and in its most general acceptance includes all denominations, and in a more particular sense as applied to the Associate Church, denotes a particular body of professors gathered together in a particular congregation. In the particular acceptance of the term there is no distinction between the terms "Church" and "Congregation," but in its broad sense as applied to the body of the Associate Church, it means all the congregations connected with that body. The authority for this is contained in the Confession of Faith, pages 563 and 564; and what constitutes a particular

Congregation is defined on pages 572 and 573, of the same work ; and also in the Book of Discipline, pages 3 and 4 ; see also 149th page of the Confession of Faith, chapter 25th.

Question by Mr. Crary of Counsel for Complainants—Is it true as stated in the fifth and sixth folios of Defendants' answer, that Mr. E. Erskine and his three brethren protested against the decision of the Synod of Perth and Sterling, and appealed to the first enlightened and reformed Synod, and was suspended for the same.

Answer—The statement is not in accordance with the facts of the case ; Mr. Erskine and his brethren when they protested against the deed of the Synod of Perth and Sterling, appealed to the ensuing General Assembly of the Church of Scotland. There was no sentence of suspension inflicted upon them by the Synod of Perth and Sterling. See Gibs' display, vol. 1st, page 27. And it was not until after they declared their secession from the General Assembly of the Church of Scotland, that they appealed to the "next, free, faithful and reforming General Assembly." See Gibs' Display, vol. 1st, page 35.

Question by Mr. Crary of Counsel for Complainants—Is it true that the privilege claimed by Defendants in the 6th and 7th, folios of their answer for the condemned in their own case, formed a foundation and corner stone principle of the Secession Church, and was adopted by the Associate Synod of North America ?

Answer by the witness—The first seceders claimed a right to judge for themselves, they did not claim that for themselves, they had a right to remain in the General Assembly defying its decisions. In regard to the right of protest, they claimed the privilege of having their protest recorded according to the laws of the church, which privilege was refused. The right of protest is a fundamental principle in the Associate Church, but not as having connected with it a right to resist the operation of a sentence of the court of last resort or highest court, and thereby maintain a good standing in the church ; see book of discipline, page 62, when this right of protest is given to persons dissatisfied with the decision, and nothing further is given.

Question by Mr. Crary—What constitutes membership in a Congregation in the Associate Church, so as to be entitled to vote for the officers of the church, or congregation ?

Answer—It requires a profession of faith in Christ and a declared adherence to the Westminster confession of faith, the larger and shorter catechisms, the form of church government, directory for public worship of God, as those are received and witnessed for in the judicial declaration and testimony of the Associate Church, and require also a promise of continued adherence to this profession in all its parts and of submission to the authority of the courts of the church ; Reference to pages 167 and 168 of the testimony. It is also necessary that they should be admitted by the Session of the Church. See page seven, of the Book of Discipline.

And I would further state to open up a full view of the admission of members to the Associate Church, that while forbearance is to be exercised in respect to the weakness of some persons not having clear views in regard to particular points of this profession, but having their minds open to conviction and instruction on the subject, they may be admitted to fellowship, but none who declare a decided opposition to any one point of our profession can be admitted to the fellowship of the Church. I would refer to the declaration and testimony page 112.

Question by Mr. Crary—Is it true that the minister and Elders, have no control over the temporalities of a Congregation, according to the professed

principles of the Associate Church. Objected to by Mr. Allen, on the ground that it is immaterial and irrelevant, and not within the issue. The objection is over-ruled and the witnesses states that the minister and elders have a control over the temporalities of the Church, and the disposal of its funds. See book of Discipline page 5th, teaches that these things are to be disposed of according to the direction of the session.

Question by Mr. Crary:—In whom is the control and management of the temporalities of a Congregation invested, according to the principles and discipline of the Associate Church.

Answer—In the Deacons, or Trustees who are a substitute for Deacons, acting under the direction of the Session. See book of Discipline page fifth.

Question by Mr. Crary—As the Defendants in their answers, assert, fol. 17, that the officers of the Church have no control over any but members in full communion. Whether or not it would be unreasonable that they should be allowed to vote for such officers! And would not such a practice be contrary to the principles and practice of the Associate Church? Mr. Allen of counsel for Defendants objects to this question, on the grounds: that he cannot state what is reasonable or unreasonable, and Mr. Crary omits that part of the question.

Answer—Such a practice is contrary to the practice and principles of the Associate Church. No person can be so admitted who is not a member in full communion with the church. I would refer to the book of Discipline pages 3 and 4. Also page 18 of the same book.

Question by Mr. Crary:—What express declaration did the Associate Synod of North America make in 1840, of their principles and usages respecting who were eligible to the office of Trustee in any Congregation of the Associate Church? Question of Mr. Crary objected to by Mr. Allen, as immaterial because the ecclesiastical power in this Country cannot repeal a law of this State. Objection over-ruled by the Examiner because the question does not ask relative to the law, but only as to the practices and usages of the Church.

Answer—They declared in answer to a question put them on the subject, that no person was eligible to the office of Trustee according to the principles and usages of the Associate Church, except such as were members in full communion. This decision will be found in the minutes of Synod for the year 1840 page twenty three. Mr. Allen objects that parole evidence is not admissible. Mr. Crary then produces a printed copy of the minutes of Synod for the year 1840, and the witness states that the book contains a true statement of the proceedings of Synod. That he was present at the session of Synod for 1840. This pamphlet is produced by Complainants and marked as Exhibit "D."

Question by Mr. Crary—Is it true as stated in folios twenty one and twenty two of Defendants' answer that a protest and appeal by the accused arrests or sists all further proceedings in the case?

Answer—If the court below admits a protest when offered it stays their proceeding and carries the cause up to the next higher court, but they have the power, if they see cause to reject the protest and proceed to issue the case. Book of Discipline, page 60, is a reference to show this.

Question by Mr. Crary.—Has a Presbytery the right to interfere and redress any grievances that may arise in any Congregation in their bounds?

Answer—They have such right expressly given to them in the book of discipline, page eleven.

Question by Mr. Crary—Is a Congregation accountable to their Presbytery for insubordination to their decisions, or for any departure from the doctrine, discipline or government of the Church?

Answer—Their responsibility is necessarily implied in the right to redress grievances given to the Presbytery, and also the due subordination of Church courts, according to the Presbyterian form of Church government ; such is also the universal practice of the Presbyteries of the Associate Church.

Question—Has the Presbytery original jurisdiction over the Congregations within its bounds, and are the decisions in folios 26, 27, 28 and 29, of Defendants' answer, contrary to the form of Presbyterian Church government, and the principles thereof ? **Question** objected to by Mr. Allen, of counsel for Defendants, on the grounds,—first : that there is no such answer remaining on the files of the court, because that part of the answer was made to an amendment incorporated in the supplemental bill which has been dismissed on demurrer, and the testimony is therefore irrelevant. Second : That there is no foundation for the testimony in the original bill. The question is then abandoned by Mr. Cray for the present.

Question—Whether any, and what jurisdiction has Presbytery over the Congregations under its care ?

Answer—Presbytery has both original and appellate jurisdiction over all the Congregations under their care. Book of discipline, page 11. The Presbytery judges of the regularity of the organization of a Congregation, and upon finding this organization to be regular, declares said congregation to be one under the care and inspection of Presbytery ; and also the power as a necessary consequence of this to declare a Congregation that refuses to submit to their decisions and authority to be no longer under their care ; in other words, to annul their relation, and to declare them out of the fellowship of the Church. Such an exercise of jurisdiction, respects the Congregation as a body, and not particular individuals. See the doctrine as laid down on page 11 of the book of discipline. Presbytery has the power of determining all complaints brought by appeal, reference or otherwise from the Sessions of the different Congregations under their charge. This is their appellate jurisdiction.

Question—What further powers has a Presbytery over a Session, or part of a Session, or the majority of a Session who continues insubordinate to Presbytery and Synod ? Mr. Allen objects to the question, because it is irrelevant and immaterial, and not within the issue. Objection over-ruled.

Answer—In case a Session or a majority of a Session, neglect or refuse to perform their proper duty, the Presbytery may take order to compel performance of this, and if a Session or a majority of a Session, set themselves in opposition to, or resist the decision of Superior Courts, the Presbytery may suspend or declare to be out of the fellowship of the Church, the Session or the majority of it, as the case may be ; and to recognize the minority, continuing subordinate as the lawful and regular Session of such Congregation. This power is absolutely necessary in order to redress what evils may arise in a Congregation, where a majority of a Session, or the whole Session either refuse to perform their duties, or place themselves in opposition to the decisions of the Superior Courts. Reference to page 11, of the book of discipline. The Presbytery have the power also of directing the Session, recognized as above, to proceed and deal with the members of the Session and the Congregation, who have been declared by the general act of the Presbytery to be not in good standing in the Associate Church.

Question—Has the Synod the power and right to suspend or dissolve as the case may require, any Presbytery under their jurisdiction, for just and lawful cause. **Question** objected to by Mr. Allen as not within the issue.

Answer—Synod has the power of dissolving or suspending a Presbytery for just and lawful cause ; the power of erecting, implies the power of dis-

solving, and also the power of redressing whatever is done contrary to order. The book of discipline makes it the duty of Synod to take effectual care that the Inferior Courts act in conformity to the rules and principles of action which are made for the benefit of Presbyteries and Churches. See book of discipline, pages 12 and 13. A Presbytery having been suspended, the ministerial members and Congregations belonging to that Presbytery must necessarily be placed by the Synod under the care of some other Presbytery, otherwise the regular gradation of courts in that particular part of the Church would for the time being be destroyed, contrary to what is asserted in the book of discipline, page 6.

Question by Mr. Crary—Did the Synod declare the deed of the Presbytery of Vermont, in attempting to restore Alexander Bullions, to be null and void from the beginning?

Answer—They did so by a very strong vote; see minutes of Synod for 1839, page 29th.

Question by Mr. Crary—Did the first report of Presbytery of Vermont to Synod in May, 1839, contain the evidence of their censurable decision, restoring Alexander Bullions, and of their unfitness to be trusted with the management of Presbytery? Question objected to by Mr. Allen, because it is by parole and not by the minutes—minutes produced and objection withdrawn; on page 18 of the minutes of 1839, will be found the report of Presbytery of Vermont to Synod; on pages 27 and 28, also on page 29 will be found the whole order of Synod relative to this report. The evidence of the facts contained in this report was before Synod at the time the Synod suspended the Presbytery of Vermont from Presbyterial action, and cited them to appear at the next meeting of Synod to answer for said offence. The Synod had acknowledged, and sufficient power to do this. See book of discipline, page 60—entitled “Of suspensions for trial.” And also the duty of Synod to take effectual care that subordinate courts perform their duties. Book of discipline, page twelve. Suspension for trial is not viewed as a censure. Book of discipline, page 56.

Question—Was or was not Alexander Bullions justly deposed, according to the word of God, and the received and acknowledged standards of the Associate Church?

Answer—He was so deposed. He was regularly tried on a relevant charge and deposed after being found guilty by his own Presbytery, and their sentence was confirmed by the Synod.

Question by Mr. Crary—Is it true, that according to the principles of the Associate Church, or any other Presbyterian Church, a Congregation or a majority of them, or their Pastor have a right to decide on the justice of a sentence of excommunication or deposition, so as to set aside the same, and still continue a Congregation in connection with said Church, as set forth in Defendants' answer, folios 55 and 56?

Answer—Such is not the case. They have not such power or right as claimed. Declaration and testimony, page 127. Mr. Crary then produces a book, known as the “Declaration and Testimony, fifth edition; Albany: printed by Webster & Wood, 1828,” which the witness says is a correct edition, as is also the narrative prefixed thereto. Which book is marked as Exhibit E, on the part of Complainants.

Question—Is or is not adherence to a legally deposed minister by a Congregation, a virtual restoration of him to his office? Question objected to by Mr. Allen. Mr. Crary waives the question.

Question—Is or is not such adherence a virtual renunciation of the authori-

ty of Church courts, and of Presbyterian Church Government? Mr. Allen objects to the question as calling for the opinion of the witness, and as being mere matter of argument. Objection over-ruled.

Answer—It is such. A Congregation cannot regularly call or employ any one to be their minister but through the Presbytery, who have power to determine whether the call shall be sustained and presented or not. Book of discipline, pages 18, 19, 20 and 21; also on page 22. It is understood in our Courts, that when power is located in particular bodies, or persons, it is taken away from all others.

Question—Is this the present situation of those who now adhere to Dr. Bullions?

Answer—Such is their present situation. They are acting contrary to Presbyterian Church order, and in defiance of it.

Question—According to the principles of the Associate Church, has a Congregation under their inspection a right to select any other than a minister in good standing in said Church?

Answer—They have not.

Question—Is any and every departure from the doctrines, discipline, government and worship of the Associate Church, considered by them material?

Answer—Every part of the profession we make, is considered by us as material, so that no person who is a decided opponent to any point in that profession can be admitted to the fellowship of the Church.

Question—Is the conscientious belief of preacher or hearer the standard of faith in the Associate Church?

Answer—The supreme standard of faith in the Associate Church, is the word of God. See first chapter, of the confession of faith, page 25. Also in the declaration and testimony, pages 72 and 117, and the confession of faith, itself contains a declaration of how we receive or understand the word of God.

Question—Who are the constituted judges, in matters of faith and discipline in the Associate Church?

Answer—Presbyteries and the Synod. Testimony, page 126. Book of discipline, pages 11, 12, 13, 21, and 22.

Question—Has a Presbytery or Synod according to the powers invested in such courts by the Associate Church, the right to declare the Congregation of a deposed minister vacant, without the consent of said Congregation?

Answer—They have that power. See book of discipline, page 56. Also Stewart's collection, page 219. The question and answer objected to by Mr. Allen, as not within the issue, and received by the examiner.

Question—Is a withdrawing from the ministrations of ministers regularly appointed to supply in a Congregation by their Presbytery, a renunciation of their authority? The question objected to as irrelevant and not within the issue.

Answer—It is. As the Presbytery have the power of appointing a dispensation of the gospel ordinances in vacant Congregations. Book of discipline, page 11.

Question—Have the Defendants in this suit thus withdrawn from divine ordinances? Mr. Allen objects to this in same manner as to the last question, and for the same reasons.

Answer—I consider that they have.

Question—Have you ever read the bills of complaint of the complainants in this cause, both original and supplemental?

Answer—I have.

Question—Is the doctrines and discipline of the Associate Church, truly represented in those bills, as far as the same are set forth?

Answer—I consider that on the points adverted to in those bills they contain a true exhibition of the principles and discipline of the Associate Church.

Question—Have you ever read the Defendants' answers to those bills?

Answer—I have read them.

Question—Is the doctrines and discipline of the Associate Church correctly and truly set forth in those answers?

Answer—I should say that in matters wherein the answers contradict the original and supplemental bills they do not. Mr. Allen of counsel for Defendants objects that they have nothing to do with the supplemental bill, and that the answer to the question is general, being to the entire contents of a bill.

Question—Can the Church judicatories of the Associate Church, do any thing more against any offender, than pronounce the higher sentence of excommunication?

Answer—The "greater excommunication" is the last step the Associate Church Courts can take in the exercise of discipline. See book of discipline, page 57; Stewart's collections, pages 219, 220 and 221.

Question—According to the doctrines of the Associate Church, are the different judicatories bound to forgive any offender as often as repentance and submission are made and forgiveness desired?

Answer—They are bound to restore an offender in all such cases, in the spirit of meekness, unless there be circumstances which justly render his sincerity in submission questionable. See book of discipline, page 58.

Question—In the course of this examination, you have answered questions and made references to the standards of the Church in support of them, do you know of any other references in those standards, which would vary your answers?

Answer—I do not know of any.

Question—Are the books referred to by you in the course of your deposition, standard works in the Associate Church?

Answer—The Confession of Faith, the Testimony, and the Book of Discipline, are standard works in the Associate Church. Also the form of process, commencing at page 203 of Stewart's collections, and that the collections themselves, in as far as they set forth discipline, in a spiritual point of view, are authority in the Associate Church, unless it is otherwise expressly provided in our Book of Discipline. Gibs' Display is also a standard work in the Associate Church. There has been but one edition of Gibs' Display. Mr. Crary produces a copy of this work which the witness identifies as being a correct copy, and which is marked as Exhibit F. Mr. Crary then produces, on part of Complainants, a copy of the Confession of Faith, which the witness identifies as being a correct copy, and which is made Exhibit G, on the part of Complainants.

Question—Are the Church judicatories bound to restore an offender to an office, who makes such submission as is satisfactory to the court?

Answer—They are not in all cases. The court may restore a person to the fellowship of the Church upon his submission, when edification would forbid his restoration to office. See Book of Discipline, page 59.

JOHN G. SMART.

Sworn, examined and subscribed this 5th day of September, }
in the year 1841, before me, }

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY.

WILLIAM STEVENSON, *et al.* }
vs. }
ALEXANDER BULLIONS, *et al.* }

John G. Smart, a witness produced on part of the Complainants in this cause, and examined by Mr. Crary of counsel for the Complainants, and being now cross-examined by Mr. Allen of counsel for the Defendants, deposes as follows, viz:—The narrative prefixed to the declaration and testimony is an accurate history of the rise &c. of the Associate Church. The sixth chapter of that narrative contains I believe, a correct history of the rise of the Secession Church. The ninth chapter entitled of the union which produced the Associate Reformed Synod, is also a correct history, as also the tenth chapter. The 15th and 17th, articles on pages 68, and 69, of the declaration and testimony are of equal authority with any part of that work; so also is the first article on the 72nd page of that work. The Holy Scriptures is the only supreme rule of faith and obedience in the Associate Church! In the admission of members, an adherence to the Westminster Confession of Faith and Catechism, and the directory form of Church Government, and the testimony must be received by the applicant as exhibiting his views of what is contained in the word of God. Members of the church and ministers are bound to submit to all the decisions of the courts, if they wish to remain in the fellowship of the Church, and I would add that the supposition, or even the conviction of the individual, that he is right, does not give him a right to remain in the Church, resisting the authority of its courts.

Mr. Allen asks, if members of the Church or ministers are bound to submit to church courts, right or wrong?

Answer—No church member is bound to submit to a decision that is wrong, but as the word of God and our books point us to no tribunal in the visible Church, for the determination of the issue which would arise between the individual and the court of last resort, in such a case there is no relief for him, but either quietly to withdraw or submit, leaving it to the Head of the Church in His Providence to clear up his character. The appeal in such case would not be to the word of God. We admit that church courts may err—there is no doubt that they have erred.

Question by Mr. Allen—If a Church court clearly errs in deposing a member or inflicting punishment upon him, is he bound to submit to such judgment under the conclusion that it is a Providence of God?

Answer—I should say that if he finds his way so shut up that he can not go forth of the body, it would in such case be his duty to commit the matter to the Providence of the Head of the Church. No man can remain in the church resisting the operation of its decrees.

Question—If a member is judged or proceeded against without regard to the rules of discipline and procedure of the church, is he bound to submit to the decision of the court. Mr. Crary objects to the question because it is supposing a case that is not in issue, and not in proof, and is irrelevant and improper.

Answer—I should say if such case existed he was not; but that we consider such a case not at all supposable, that a court would proceed contrary to all

rule of order. I have never known an Associate Church court set aside its own rules of procedure. I was not present at the trial of Dr. Bullions before the Presbytery of Cambridge, nor at any part of their proceedings. What I have said is merely of the proceedings before Synod. The whole proceedings of the Presbytery of Cambridge were brought in review before Synod. All the members present at a meeting of Presbytery are entitled to a vote, if in good standing, and no valid objection is interposed to their voting. It is not according to the principles and discipline of the church, that the accuser should vote on the guilt or innocence of a person accused. But in the case of a court judging it necessary to enter a process against one of its members, such process does not incapacitate the court from voting on the case; nor does it incapacitate a member, who is the principal witness against the accused, from sitting on the court. See book of discipline, pages 51 and 52. There is such a thing as a lawful declinature by a minister to his Presbytery. Stewart's collections, title fifth, section ninth, of book fourth, on pages 194 and 195. The form of citation will be found on the 65th and 66th pages of the book of discipline. Synod exercise the right of imposing a minister upon the congregation without consulting them to ascertain whether they are willing or not.

Question—Has Synod the right to impose a minister on any congregation occasionally, statedly or permanently against the wishes and without the consent of the congregation. Mr. Crary objects to this question because it is merely hypothetical, and is immaterial and irrelevant. Objection over-ruled by the examiner and the evidence received.

The Synod have no power to settle or fix a minister permanently, nor has any Presbytery the power of doing it but upon the call of the congregation; but as it respects the supply or occupancy of a pulpit for a short time the courts do not feel themselves bound, nor have they an opportunity of consulting the wishes of the people on the subject. Our plan of supplying pulpits is to give all vacant congregations an opportunity of having all our licentiates and such ordained ministers as are travelling under our charge, that they may out of those they hear, select one for their pastor. If the Synod or Presbytery saw fit to do so, the book of discipline gives the power to send a minister in good standing in the Associate Church, to a congregation against its wishes and consent, they have power to do so. Book of discipline, page eleven. The Associate Synod and the Presbyteries so far as I know, never disregard the wishes of Congregations when they know that wish, and can avoid disregarding it. This objection is confined to particular persons if made to the whole body of ministers. Synod would consider it an act of secession.

Question—If the Synod appoint a minister without consulting the congregation, to preach to them, are they bound to receive the minister so sent into their pulpit, against their wishes and consent?

Answer—They are so bound, and the refusal to do so would be an act of insubordination. In support of this I would refer again to page eleven of the Book of Discipline, which confers the power to make these appointments. My testimony relative to the difference between Mr. Erskine's case and that of Dr. Bullions, is given upon knowledge derived from the history of the Secession Church. I am the son-in-law of William Stevenson one of the Complainants in this cause.

Question—Were you interrogated by the counsel of Complainants this day from a series of written questions?

Answer I believe many of them were so written and several were not. Mr. Crary objects to the last question, because it is irrelevant, immaterial and improper, and because the manner, if the examination was directed by the coun-

sel for Complainants and the Complainants were directed by their counsel to have the witness prepared to refer to the standards of the Associate Church, in support of the testimony.

Question—Did you assist in preparing those questions?

Answer—I did not, nor any of them; the questions were some of them submitted to me previous to this examination. I prepared written references on the points to which I have been examined, at the request of Mr. Robertson one of the Complainants, to the Standards of our Church. I am the person referred to in the minutes of Synod for 1839, and am the person mentioned therein as voting on various questions which arose during the session. The John Robertson mentioned in the minutes of Synod for 1839, as being assumed by Synod as a member, is the same person mentioned in the bill of Complaint as one of the Complainants, and who appears as having voted on the various questions which arose before Synod. He is the same person who appears as voting on page twenty nine, of the minutes of Synod for 1839. He is also the same person mentioned on page fifty five of the minutes of that year. A vacant Congregation cannot appoint an elder a member of Synod but Synod may assume him and he will then be a member.

JOHN G. SMART.

Sworn, examined and subscribed,
before me, this 8th day of }
Sept., in the year 1841, }

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY:

WILLIAM STEVENSON, *et al*, }
vs. }
ALEXANDER BULLIONS, *et al*. }

John G. Smart, a witness already produced on the part of the Complainants in the above entitled cause, and examined therein by Mr. Crary of counsel for said Complainants, and cross-examined by Mr. Allen of counsel for Defendants, and now re-examined by Mr. Crary deposeth as follows, viz: John Robertson had a legal right to vote in the Synod of 1839.

Question—Did the sitting of Messrs. Miller, Anderson, and John Robertson, in the case of Alexander Bullions in Cambridge Presbytery, disqualify them from acting and voting in Synod, in the case of the Vermont Presbytery? Mr. Allen objects to this question on the grounds that it is not within the issue, and is immaterial and irrelevant. Objection over-ruled and evidence received.

Answer—It did not disqualify them, as neither they nor Dr. Bullions were parties to the case.

JOHN G. SMART.

Sworn, examined, and subscribed }
this 8th day of September, }
in the year 1841, before me, }

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*, }
vs. } Deposition of JAMES LOURIE.
ALEXANDER BULLIONS, *et al*. }

Deposition of James Lourie, a witness produced on the part of the Complainants, sworn and examined in a certain cause now pending in the Court of Chancery of the State of New York, before the Chancellor of said State, wherein William Stevenson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster and William Livingston, members of the Church, in full communion, known as the Associate Congregation of Cambridge, of the County of Washington, and State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Shiland, Robert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge, of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Defendants, on the part of the said Complainants, before James Gibson, one of the Examiners in Chancery of said State, at the House of Chester Safford, Jr., in the town of Salem, in said County of Washington, commencing on the seventeenth day of February, in the year of our Lord one thousand eight hundred and forty-two, as follows, viz :

James Lourie, a witness produced on the part of said Complainants, in the above entitled cause, on being called is objected to by Mr. Allen of counsel for Defendants, on the following grounds, viz:—First: That he is in fact one of the Complainants in this cause, being one of the minority composed of Complainants and others, who claim to be the Associate Congregation of Cambridge. Second: That he is directly interested in the event of this suit, as, if this suit is decided in favor of Complainants, the Church building and property at present occupied by Defendants, and which forms the principal ground of dispute, will go, or be claimed by Complainants to go to Complainants and their adherents, of which he is one. Mr. Clark of counsel for Complainants, denies that the witness produced is in any way interested, or is one of the Complainants. That at the time of the commencement of this suit, and long since, he was an adherent of Alexander Bullions, and that he is in no way connected with the Complainants in the prosecution of this suit. Mr. Allen of counsel for Defendants, requires that the witness should be sworn on his *voir dire*, whereupon the said James Lourie produced as a witness on the part of the Complainants in this cause, and being objected to by Mr. Allen of counsel for Defendants, being duly sworn on his *voir dire*, deposeth as follows, viz :—

Question by Mr. Allen—Are you interested in the event of this suit ?

Answer—I have no secular interest depending on the event of it that I know of, that is I have not contributed directly or indirectly to the support of this suit.

Question by Mr. Allen—Are you a member now of that Church, of which John Robertson and others of the Complainants are members and which claims to be the Associate Congregation of Cambridge?

Answer—I am such member.

Question by Mr. Allen—Suppose this suit is decided against the Complainants, will you not as a member of that Church be interested as regards the costs or property to be gained or lost by such decision?

Answer—I have always refused to pay any thing for the support of the lawsuit, either in carrying it on or in defending it; and for these reasons I think I am not interested; and my refusal to do so has been public.

Question by Mr. Allen—Suppose the church building which is now the subject of controversy in this suit is recovered by Complainants, will you not as a member of that church attend church in that building, and be entitled to its privileges as a member of that church?

Answer—I think it is probable I should if I am alive at that day.

JAMES LOURIE.

Sworn on *voir dire*, examined and }
subscribed this 17th day of Feb., in }
in the year 1842, before me, }

JAS. GIBSON, *Examiner in Chancery*.

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IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } JAMES LOURIE'S cross-deposition on *voir dire*.
ALEXANDER BULLIONS, *et al.* }

James Lourie, a witness produced on the part of the Complainants in the above entitled cause, and objected to by the Defendants' counsel, as being interested, and thereupon duly sworn on his *voir dire*, and examined by Mr. Allen, of Counsel for said Defendants, being now cross-examined by Mr. Clark, of counsel for Complainants, deposeth as follows, viz. :

Question by Mr. Clark,—Were you at the time of the commencement of this suit, and for a long time after and how long, an adherent of Dr. Bullions, one of the Defendants.

Answer—I was at that time, and for about two years after. Mr. Allen objects to this question and answer, on the ground of its being immaterial and irrelevant. The objection is over-ruled by the Examiner and the evidence received.

Question by Mr. Clark—Did you during that time attend on the ministrations of Dr. Bullions and up to what time? This question is objected by Mr. Allen of Counsel for Defendants, on the following grounds, viz: Because it is immaterial and irrelevant. The objection is over-ruled and the evidence received by the examiner.

Answer—I did so and continued to do so up to or about the month of October, 1840, at which time I became a member of the Congregation of which Complainants are a part.

JAMES LOURIE.

Sworn, subscribed and cross-exam- }
ined on *voir dire*, this 17th day of }
Feb. in the year 1842, before me. }

JAMES GIBSON, *Examiner in Chancery*.

Mr. Allen of Counsel for Defendants now continues his objection to the competency of this witness as above stated. The examiner thereupon over-rules the objection to the witness and decides that he may be sworn in chief as a witness in the above entitled cause. Whereupon the said James Lourie being duly sworn in chief as a witness in this cause and being examined by Orville Clark, Esq. as counsel for said Complainants, deposeth as follows, viz:

Question by Mr. Clark—State your place of residence, age and your distance from the meeting house in question.

I reside in the town of Jackson, in the county of Washington, and state of New York, about seven and a half miles from the meeting house in controversy. I am forty seven years of age. I have heretofore been a member of the Congregation of Cambridge since about the years 1817 or 1819 and from the time of my youth up. I had previously resided in the bounds of that Congregation, and had been a baptized member of the church from my infancy, and always in the habit of attending that church. I have been an Elder of that church since about the year 1830, and as an Elder was of course a member of the Session during that time.

Question by Mr. Clark—In 1837, were you a member of a committee appointed by the Associate Congregation of Cambridge, to ask a meeting of the Presbytery of Cambridge? Mr. Allen, of counsel for Defendants, objects to this question, on the following grounds, viz: that the minutes of the Congregation are the best evidence, and should be produced, and parole evidence cannot be given. Mr. Clark thereupon requires the production of said minutes from the Defendants. Mr. Allen replies that he has not had notice to produce them, and they are twelve miles off. The examiner over-rules the objection and receives the evidence.

Answer—I was appointed such committee.

Question by Mr. Clark—Will you state who the committee were, how appointed, for what object and what they did? Mr. Allen of counsel for Defendants, thereupon makes to this question the same objection as to the last, and also that the testimony is irrelevant and immaterial. The objection is over-ruled by the Examiner, and the evidence received.

Answer—The committee were John Robertson and myself. The appointment was made, I think by the Congregation, or by the Session with the concurrence of the Congregation. The object of the appointment of such committee was to draft a memorial to lay before the Presbytery of Cambridge at their *pro re nata* meeting, and to request the moderator of the Presbytery to call a *pro re nata* meeting. The object of the memorial was to restore Doctor Bullions, and the reconciliation of our difficulties. The committee had a conversation with Dr. Bullions, and we had reason to believe that he would give the necessary satisfaction in order to his restoration. There was a *pro re nata* meeting of Presbytery called for November, 1837. The Presbytery of Cambridge, met in pursuance of the call, and I attended as one of the committee on the part of the Congregation of Cambridge.

Question by Mr. Clark—Did the Presbytery of Cambridge call on the committee to state the object for calling the meeting. Mr. Allen objects to this question, and to all other testimony of the doings of Presbytery, on the ground that the minutes of Presbytery are here, and are the best evidence, and parole evidence cannot be given of their contents. Mr. Clark replies that the minutes are now produced, and the Defendants counsel can have them, and they are marked as Exhibit Q, in this cause on part of Complainants. The examiner thereupon over-rules the objection and receives the testimony.

Answer—The Presbytery did call upon the committee to state the object of

calling them together. Dr. Bullions was there present in attendance. The committee laid in a memorial which the Congregation had approved of. In addition, I stated as one of the committee, that we had reason to believe that Dr. Bullions would give the requisite satisfaction. Dr. Bullions was present and heard this. I do not recollect particularly whether he made any reply to what I said. Dr. Bullions made an acknowledgement to the Presbytery at this meeting, which, however, the Presbytery did not accept. That acknowledgement was in reference to a declaration that he made in Argyle, at a meeting of Presbytery, that "there were some members present not fit to sit in this court, or any court." I was not present at the October meeting of Presbytery when the declaration was made. The acknowledgement was, that if he had uttered the language which was imputed to him, that it was wrong and he was sorry for it. I am only speaking from recollection, and do not know whether it is on the minutes. This is all the acknowledgement I recollect of. The Presbytery were not satisfied with it. Dr. Bullions said at this time, that he had no consciousness of having used the expression, and if he had used it, it was wrong and he was sorry for it. The Presbytery presented him with seven requisitions at that time, and required his answer to one of them at that meeting. This was the fifth requisition. Dr. Bullions thereupon gave an answer to the fifth requisition. It was a verbal answer. The Presbytery required Dr. Bullions to take his choice of the two alternatives of the fifth requisition. The fifth requisition was read to him, and he answered "I choose the first alternative," and added—"I had no sooner uttered the words than I was sorry for it." The moderator then asked him, "do you retract the declaration made against your brethren as slanderous and unfounded in truth." Dr. Bullions answered—"I do so." That was all that was required of him at that meeting, and the subject was laid over till the next meeting, and the Presbytery adjourned to meet in Salem on the first Wednesday in December. I attended the meeting of Synod in May, 1838, at the time the deposition of Dr. Bullions was confirmed. I attended then as a commissioner of the Cambridge Congregation. After the confirmation of the deposition by Synod, they appointed two commissioners to wait on the Congregation of Cambridge, and inform them of the fact of such confirmation. The commissioners were the Rev. Messrs. McKie and McGill. The commissioners, it was understood by Synod, should proceed to execute this duty as soon as practicable. The commissioners arrived at Cambridge within two weeks, I think, after the adjournment of Synod. Messrs. Goodwillie, Pringle and Dr. Bullions were in attendance at this meeting of Synod. They were in Cambridge on Sunday and Monday, about a week after the adjournment of Synod. I think Mr. Goodwillie preached on that Sunday. They were all three present on Monday at a meeting of the Congregation of Cambridge. This was before the arrival of the commissioners appointed by Synod. I think notice was given on Sunday, that there would be a meeting of the Congregation the next day; the meeting was a very full one. I attended it. Mr. Goodwillie first addressed that meeting.

Question by Mr. Clark—What did Mr. Goodwillie suggest or advise, should be the course of the Congregation in relation to Dr. Bullions? This question is objected to by Mr. Allen of counsel for Defendants, on the following grounds, viz: That it is irrelevant and immaterial, and hearsay testimony, and Mr. Goodwillie is the best witness, and is a competent witness to shew what he did suggest and advise the Congregation to do. The objection of Mr. Allen is over-ruled by the examiner and the evidence received.

Answer—He said in his address that they might either join Dr. Bullions in

his protest and hear him preach ; or adhere to the Presbytery and Synod, and dismiss Dr. Bullions ; but he said he did not know which of these two ways it was best for them to take. This is as near as I can recollect, or about the amount of what he said on that subject. Dr. Bullions read to the Congregation at this meeting, what he said was the protest he had made against the deed of Synod confirming his deposition. Which protest will be found on pages 23 and 24 of the minutes of Synod for the year 1839. See page 23 of Exhibit A, on the part of Complainants. At this meeting, Dr. Bullions was asked if he wrote the foot note at the bottom of the anonymous letter which was sent to David Gordon. He replied that he wrote such a note at the bottom of a letter, a copy of which he intended David Gordon should have, without disguise.

The Congregation passed a resolution, at this meeting, subsequent to the matters I have stated, that they would join Dr. Bullions in his protest. The resolution was not passed unanimously. Another resolution was passed, that they would invite Dr. Bullions to preach. This last resolution was passed without giving any time for remarks, and the affirmative side of the question only was put. The negative was not put that I recollect of. Since the time of that vote, Dr. Bullions continued to preach to those persons in that house, while I continued to attend upon his ministrations. No ministers who are now in good standing in the Associate Church, preached in that church, so far as I know of, while I attended church there. On reflection, however, I recollect that while I attended there, Mr. White, sen'r. preached there once, and I do not know whether or not he has been suspended. About a week after the first meeting of the Congregation I have spoken of above, there was a second meeting of the Congregation, at which a committee of five was appointed. The committee consisted of Messrs. John Robertson and John Foster on the part of the minority, and Messrs. Robert McClelland, George W. Robertson and myself on the part of the majority. The whole Congregation concurred unanimously in the appointment of this committee. The object of the appointment of this committee was as stated in the resolution, as follows, viz :

Resolved, That a committee of five be appointed to confer with Dr. Bullions and the Associate Congregation of Cambridge and commissioners from Synod with a view to the restoration of Dr. Bullions, and the reconciliation of our differences and that Dr. Bullions be requested not to preach until the event be known. That committee called on Dr. Bullions two or three days previous to the meeting of Presbytery in Salem, June 27th, 1838. On that occasion Dr. Bullions drew up a paper which contained the concession that he was willing to make and gave it to the committee for their consideration to do with it as they thought proper. He stated to the committee that it was his intention to go to the Presbytery of Vermont and make application to be restored and that any thing that the Presbytery of Cambridge should do he did not wish to have interfere with his going to Vermont Presbytery. I told him in the presence of the committee that I thought that step wholly unpresbyterial and unprecedented and that that Presbytery, meaning the Presbytery of Vermont, had no power or jurisdiction over him, and that the offence which he had committed and for which he had been censured, was not made against that Presbytery, and therefore that was not the proper court to which he should make satisfaction. Dr. Bullions replied to that, that he was cast out of the Church by the Associate Synod and that he had a right to go where he pleased. That that court might receive him in just as they would any persons coming from another denomination. Dr. Bullions on this occasion said he had read a minute of Presbytery or Synod stating that he had acknowledged the declaration made against

his brethren on the 5th day of October 1837, as slanderous and unfounded, he said that statement in the minutes was untrue and he would hold the man who said it was true, a slanderer. Mr. Robertson and myself were present at the meeting of Presbytery at which that confession was made by Dr. Bullions as recorded on the minutes of Presbytery, and I heard him make it. When Dr. Bullions made the statement to the committee, that the statement of Presbytery was untrue in relation to his retracting as the said requisition requires, viz: That he retract as unfounded and slanderous, &c. Mr. Robertson replied to Dr. Bullions that he heard him make the statement, or confession as recorded by Presbytery. Dr. Bullions continued to maintain the ground that he had previously taken. One of the commissioners of Synod was present at this time. A part of this committee, viz: Messrs. John Robertson, John Foster and myself attended the next meeting of Presbytery at Salem, June 27th, 1838. Dr. Bullions did not attend the meeting. Mr. McKie the commissioner of Synod was in attendance at that meeting. The minutes of the Presbytery of Cambridge of this meeting, relative to the presentation of papers to the Presbytery and in said minutes marked as No. 1, 2, and 3, and by Presbytery returned to the committee for the reasons mentioned in the minutes, is a correct minute. The minute of Presbytery of the same meeting relative to the request of witness to Presbytery for instructions as to their dealing with Dr. Bullions and the answer of Presbytery thereto by their resolutions, is also a correct minute. I was present at the adjourned *pro re nata* meeting at Salem in December, 1837, when the answer of Dr. Bullions to the six requisitions came in. A question was put to Dr. Bullions growing out of his former answer to the fifth requisition. This question was put by the Presbytery. That question was as follows, viz: Does Dr. Bullions acknowledge his sin and profess his unfeigned sorrow for it, in the falsehood and slander which he has acknowledged he did utter against his brethren of the Presbytery. The answer of Dr. Bullions to this question was in writing. He wrote it in my presence and I recollect what it was.

Question by Mr. Clark—What was that answer?

This question is objected to by Mr. Allen of counsel for Defendants on the following grounds, viz: That it is recorded in the minutes and they are the best evidence, and the minutes, have been produced. Mr. Clark then waives the question and refers to the minutes for the answer. I was present at a meeting of the members of the session of the Cambridge Congregation held at Cambridge on the Friday after the meeting of Presbytery in October, 1837. Dr. Bullions was present at this meeting of the members of Session.

Question by Mr. Clark—Did Dr. Bullions offer to read a paper there, and if so, what? Mr. Allen of counsel for Defendants objects to this question on the following grounds, viz: That the minutes of session ought to be produced, and they are the best evidence. Second, that it is irrelevant and immaterial and not within the issue. Mr. Clark then asks the witness if there were any minutes kept of that meeting?

Answer—There were none. We did not consider it a regularly constituted meeting, because it was not constituted with prayer by any minister. Dr. Bullions was then under suspension. Mr. Allen continues the objection and the examiner thereupon decides that the objection is not well taken and receives the evidence.

Answer—Dr. Bullions did offer to read a paper on that occasion which he said was an anonymous letter, which he had got from the Rev. George Mairs the day before for the purpose of reading it to them, if they were willing. He said it was the same letter to which he had referred in Presbytery. The mem-

bers of Session refused to hear it read. I was the one who spoke first on the question and gave as my reasons for not wishing to have it read; that if it were anonymous Dr. Bullions would be held responsible for its contents. Dr. Bullions offered at first to read a letter as I stated above without saying that it was anonymous. I asked him if it was anonymous. He replied that it was. I then answered him as above, that he ought not to read it, as he would be held responsible for its contents. Sometime in June, 1838, after Dr. Bullions had returned from Synod, he asked me if I recollected of his reading a paper to me, John Robertson and William Stevenson at the time the Presbytery met to settle the tampering case. Upon my answering in the affirmative, he said that paper contained the sum and substance of that anonymous letter; and I laid it away in my study, and it has gone, and I do not know where it is; but I suppose some person got it and made up that letter from it. On or about the third day of March, in the year 1836, Dr. Bullions read to John Robertson, William Stevenson and myself, the paper above alluded to. Mr. Allen of counsel for Defendants objects to the above testimony of this witness as irrelevant and immaterial and not within the issue.

Question by Mr. Clark—How many elders were there in the congregation of Cambridge at the time Dr. Bullions was suspended? Mr. Allen, of counsel for Defendants, objects to this question on the following grounds, viz: That it is testifying by parole, what the minutes, if produced, will shew best, and they ought to be produced. The objection is over-ruled by the examiner, and the evidence received.

Answer—There were nine elders at that time, I think. They were John McClelland, Edward Cook, Edward Small, John Robertson, George Lourie, William McGeoch, George I. Maxwell, John Shiland and myself. The following named persons among the elders above named now adhere to the Associate Presbytery of Cambridge, viz: William McGeoch, Edward Cook, Edward Small, John Robertson and myself. These are the elders recognized by the Associate Presbytery of Cambridge, as the regular session of the Associate Congregation of Cambridge. When Dr. Bullions was deposed I believe all of the above named Elders except myself adhered to the Presbytery and continued so to adhere.

JAMES LOURIE.

Sworn, examined and subscribed this 17th day of February
in the year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*,
vs.
ALEXANDER BULLIONS, *et al*.

} JAMES LOURIE's further direct examination.

James Lourie, a witness produced on the part of the Complainants, in the above entitled cause, and examined by Mr. Clark, of counsel for said Complainants, which examination not having been closed, he is again produced before the examiner, and further examined by Mr. Clark, deposeth thereon as

follows, viz: I was present at the meeting of Cambridge Presbytery at Salem, when Dr. Bullions put in his answer to the requisitions of Presbytery. On the day and before he put them in he read a part of the answers to the seven requisitions of Presbytery to me. He read two or three of the first to me. He might have read them all; but I recollect only the two or three first answers. Those he read to me were the same he afterwards put in. John Robertson and George I. Maxwell were present when he read them. Messrs. Robertson and Maxwell, as well as myself, were then adherents of Dr. Bullions. It was before any division in the church. When Dr. Bullions read his answers, I do not recollect that he made any remarks in relation to them except as to the answer to the second requisition. After he read his answer, he remarked, "you will observe there is no acknowledgement of sin in this." Mr. Allen objects to any evidence of what Dr. Bullions said about his answers as immaterial and irrelevant.

I was in Argyle in the afternoon of the day that the difficulty with Dr. Bullions first occurred. I was in attendance and present in Presbytery as a spectator.

Question—Did you hear Dr. Bullions repeat the words which he said he had used in the morning to Presbytery, and if so, what were the words which he said he had used? Mr. Allen, of counsel for Defendants, objects to the question on the following grounds: First: It is irrelevant and immaterial. Second: If proper evidence it can only be proved by the production of the minutes. The objection was over-ruled by the examiner, and the evidence received.

Answer—I heard him repeat the words. He said the words he had used in the morning were,—“That if reports were true there were some members in this court that were not fit to sit in it.” He also gave the names of the members to whom he referred; they were Messrs. Alexander Gordon, D. Gordon, A. Anderson, and James P. Miller. He referred to a document in the hands of the Rev. George Mairs, jr., and the Rev. Peter Gordon. I am acquainted with the hand writing of Dr. Bullions. I have often seen him write.

Question—Look on the back of Exhibit H, on part of Complainants, at the direction or superscription of the same, at the words,

“Rev. A. Bullions, D. D.

Cambridge,
N. Y.

In whose hand-writing are those words? Mr. Allen, of counsel for Defendants, objects to this question on the following grounds, that it is irrelevant and immaterial, and not within the issue. Which objection is over-ruled by the Examiner, and the evidence received.

Answer—I believe it to be the hand-writing of Dr. Alexander Bullions from the knowledge I have of his hand-writing. Look also at the bottom of the same at the words.

“N. B. Let Mr. D. Gordon have a reading of the above.”

In whose hand-writing are those words? The question is objected by Mr. Allen, of counsel for Defendants, on grounds—the same as to the last question. The Examiner over-rules the objection and receives the evidence.

Answer—I believe the words to be in the hand-writing of Dr. A. Bullions.

Question—Is there a stone in the wall on the inside of the entrance of the brick church in Cambridge, being the church in controversy in this suit, with an inscription on it, placed there at the time of the erection of the church edifice, and if so, describe it and give the inscription?

Answer—There is such a stone, built in the wall on the west side of the lobby or entrance, having an inscription as follows:

"The Associate Presbyterian Church, first built 1786—rebuilt 1833."

It stands fronting the entrance so as to be seen by any one entering the house, and directly opposite the middle door. Mr. Allen, of counsel for Defendants, objects to this question and answer on the grounds, that it is irrelevant and immaterial. The stone was put in at the time of the erection of the house. I am some acquainted with the hand-writing of James Shiland; he is one of the adherents of Dr. Bullions.

Question—Look at the paper shewn to you, marked as Exhibit R, on part of Complainants, is it in the hand writing of James Shiland,

Answer—I believe it is. Complainants produce this document, which is annexed, and marked as Exhibit R, on their part. This is the notice read to the Congregation by order of the Trustees.

Question—Was there an inscription on the old Church edifice, above the front door, and if so, what was it? The question is objected to by Mr. Allen of counsel for Defendants, on the grounds that it is immaterial and irrelevant. Which objection is, by the examiner over-ruled, and the evidence received.

Answer—There was an inscription, stating the year it was built, 1786. Nothing else that I remember.

Question—Does the new Church edifice stand on the same ground covered by the old Church edifice?

Answer—It stands on the same site.

Question—How long can you remember the old Church edifice?

Answer—I can remember it rising of 40 years. It stood on the same site with the present brick Church edifice. I remember back to the time when Mr. Banks officiated there, before Dr. Bullions came. I remember also of seeing Mr. Beveridge at my father's house.

Question—Did the Cambridge Congregation always worship in the old edifice, until they pulled it down to make room for the new one, and afterwards in the new one until the division which is the subject matter of this controversy?

Answer—They did.

Question—How long had the Cambridge Congregation occupied the old Church edifice, and the new brick edifice, as their place of worship, without interruption, previous to the division of the Congregation, which is the subject matter of this controversy?

Answer—From my own knowledge I cannot say how long, as the old edifice was built before I was born. I have known it for about 40 years, and during that time it has been their place of worship.

Question.—Are persons not in full communion in the Cambridge Congregation allowed to vote for Church officers in that Congregation, or for Trustees, by the practice of the Congregation and the rules of the Associate Church? Mr. Allen of counsel for Defendants objects to the question on the following grounds, that it immaterial and irrelevant. The examiner over-rules the objection and receives the testimony.

Answer—It has been the practice of that Congregation to prohibit any from voting for Trustees, not in full communion in the Church, if their votes were challenged, and also the practice to prohibit all from voting for elders, who were not in full communion. This has been the practice since the incorporation of the Church. I do not know of any written rule that those not in full communion should not vote for Trustees. By the rules of the Associate Church, none but those who are in full communion are allowed to vote for ministers, elders or deacons.

Question—What is the office and duties of Deacons in the Associate Church,

and what duties do the Trustees perform in said Church, since Trustees have been elected in said Church and in the Cambridge Congregation? Mr. Allen objects to this question on the grounds of its immateriality and irrelevancy.

Answer—The Trustees have the charge of all the temporalities of the Church.

JAMES LOURIE.

Sworn, examined and subscribed,
ed, this 12th day of July, in }
the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY:

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }

vs.

ALEXANDER BULLIONS, *et al.* }

JAMES LOURIE's cross-examination.

James Lourie, a witness produced in the above entitled cause, on the part of Complainants, and examined by Mr. Clark of counsel for said Complainants, before Jas. Gibson, one of the examiners in Chancery, in and for the county of Washington, being now again produced before said examiner, at the house of Chester Safford, Jr. in the town of Salem, in said county, and being cross-examined by Mr. Allen of counsel for said Defendants, deposeth as follows, viz :

Question—How many years did you attend the ministry of Dr. Bullions?

Answer—As near as I can recollect, about thirty years.

Question—During that time, has he always preached the gospel?

Answer—He has, except some things I could not agree with.

Question—Why did you continue to attend upon his ministry until about October, 1840, and after his suspension? Mr. Crary of counsel for Complainants objects to this question on the ground that his reasons are immaterial. The examiner over-rules the objection and takes down the answer.

Answer—I was not then fully satisfied with regard to some of the dealings of the Presbytery in his case. I was in doubt on the subject. I thought at the time of his suspension that it was too hasty, and that they ought to have admitted his protest against the sentence of rebuke.

Question—Was not the acknowledgement of Dr. Bullions to Presbytery at that time, such as ought to have been received as satisfactory, and did not you think and say so at the time? Mr. Crary of counsel for Complainants objects to this question on the ground that it is immaterial and irrelevant, and that the witness is asked for his opinion, which is inadmissible, and has no bearing on this case, as he was not the judge, and there was a competent court to determine that it should be satisfactory, and that court did decide it insufficient. The examiner over-rules the objection and receives the testimony.

Answer—I did think so at that time. I do not now think the acknowledgement was sufficient. I presume I then said I thought it sufficient.

Question—How long since you uttered your mind?

Answer—I do not recollect how long since I uttered my mind on the subject.

Question—Do you know where the memorial is that you, as one of the committee of the Cambridge Congregation handed in to the Presbytery at the *pro re nata* meeting of November, 1837?

Answer—I do not know.—It was not handed back to me by Presbytery, and I have not seen it since.

Question—How large a part of the Congregation of Cambridge voted to join Dr. Bullions in his protest against the decision of Synod, in May, 1838, at the meeting of the Congregation, of which you spoke in your direct examination, when Mr. Goodwillie was present?

Answer—Those who are now following the Doctor voted in favor of the motion. I cannot say how many there were. I did not vote either way.

Question—Was that a large majority of the Congregation?

Answer—It might be considered a large majority at that time. It might be two thirds as near as I am able to judge; I mean two thirds of those present. I speak now of the male members who voted. Mr. Crary objects to the two last questions and answers as immaterial and irrelevant.

Question—Who was moderator at this meeting?

Answer—Thomas McLean.

Question—Did those who voted to join Dr. Bullions separate by dividing the house?

Answer—They did.

Question—Did the house continue so divided when they invited Dr. Bullions to preach?

Answer—I believe they did; one vote followed the other immediately.

Question—Why did not the other two members of the committee whom you mentioned in your direct examination, to wit: Messrs. George Robertson and Robert McClelland attend the meeting of Presbytery of June 27th, 1838?—Mr. Crary objects to this question on the following ground, viz: that it is immaterial and irrelevant. The Examiner over-rules the objection and receives the testimony.

Answer—I do not know.

Question—Were some of the papers to be presented to the Presbytery, entrusted to the commissioner, Mr. McKie, to present at that meeting, and if so, what were they?

Answer—There were some papers entrusted to Mr. McKie, and the same that I have spoken of in my direct examination.

Question—Can you state their contents?

Answer—I do not recollect, except of one which I presented myself. The question and answer objected to as immaterial and irrelevant, and the papers themselves should be produced.

Question—Do you know that Mr. McKie handed in a paper to Presbytery belonging to the committee, and which contained negotiations between the committee and Dr. Bullions, and which was not to be handed over to Presbytery? Mr. Clark objects to this question on the grounds, that it is irrelevant and immaterial. Objection over-ruled by the Examiner and the evidence received.

Answer—Mr. McKie handed in to Presbytery a paper that I did not understand was the intention of the committee to hand in to Presbytery; it was a paper that Dr. Bullions gave to the committee. I do not know now where those papers are, except the one I handed in.

Question—Was the meeting of the session of Cambridge Congregation in October, 1837 a regular meeting of session?

Answer—It was not. It was a special meeting called at the request of Dr. Bullions. It was not a regularly constituted meeting of session. There was no moderator. It was an informal meeting. I think all the members of session were present, except George Lourie and perhaps George I. Maxwell.

Question—When was it that Dr. Bullions read you and John Robertson and

William Stevenson the paper that you spoke of in your direct examination as having been referred to by him in a conversation in June, 1838?

Answer—It was the fore part of March, 1836, when the Presbytery were in session on the tampering case.

Question—Had that paper reference to the tampering case?

Answer—I do not recollect its contents.

Question—Was it not a paper that he intended to read before Presbytery, on the trial of the tampering case?

Answer—Dr. Bullions said it was a paper that he intended to read before Presbytery, on the trial of the tampering case, and asked our advice about it.

Question—Would you know the contents of the paper if you were to see it, or hear it read?

Answer—I think I should not. I have no recollection of its contents.

Question—Did Dr. Bullions read that paper to you and the others as friends, asking your advice about it?

Answer—He did.

Question—At the time of the conversation in June, 1838 to which you referred and of which you have been just speaking, did you make any memorandum of it?

Answer—I did not.

Question—Do you now say that you recollect all the conversation between you and Dr. Bullions, that took place at that time.

Answer—I do not recollect all the conversation. There was but very little of it.

Question—Did he not insist that the statements that he had read to you in that paper were true?

Answer—I do not recollect.

Question—Do you recollect any thing else that he said at that time, except what you have said in your direct examination?

Answer—I do not, only that he was speaking of the anonymous letter.

Question—Who were Trustees of the Associate Congregation of Cambridge in October, 1837, while Dr. Bullions was suspended? Mr. Clark objects to this question on the grounds that there is better evidence: that the records will shew and are the only proper evidence to prove the fact. The Examiner over-rules the objection and receives the evidence.

Answer—I do not know as I could name them all; I recollect some of them; I recollect Messrs. William Stevenson, senr., William Robertson, Peter Hill, James Coulter, I think, James Shiland, Robert McClelland.

Question—Who were the Elders of the Cambridge Congregation when the commissioners of Synod came to Cambridge in June, 1838?

Answer—The same as in October previous.

Question—Were you present in the afternoon of the fifth of October, 1837, when Dr. Bullions was suspended by Presbytery, and did you hear the dissent of John Robertson, and what was that dissent?

Answer—I was present and heard the dissent of Mr. Robertson. He dissented against a part of the minutes—against the words, “you may censure me till you are tired.” He did not then state the reasons of his dissent, but said he would give them in writing.

Question—Did you ever hear John Robertson say that he had been tampered with at any time by any person and if so, when, and by whom?

Mr. Cary, of counsel for Complainants, objects to this question on the ground that it is immaterial and irrelevant. The examiner over-rules the objection and receives the testimony.

Answer—I have no recollection of hearing him say that he was tampered with.

Question—Did you ever hear him say any thing to that import or effect ?
Mr. Crary, of counsel for Complainants, objects to this question, on the ground, on same grounds as before, and also that it is merely giving the judgment of the witness. The objection being over-ruled by the examiner, the answer is taken down.

Answer—I have no recollection of ever hearing him say any thing to that import or effect.

Question—Did you hear John Robertson say when speaking on the subject of tampering, or at any other time, that he had written over a paper on that subject which looked black, and that he told Mr. Miller he had better not call him, or he had better not be called as a witness on that subject, as he would do him no good, or any thing to that import or effect ? **Mr. Crary** of counsel for Complainants objects to this question on the ground that it is immaterial and irrelevant. The examiner over-rules the objection and receives the testimony.

Answer—I recollect of hearing a conversation between John Robertson and George Lourie, on the subject of tampering. George Lourie stated to John Robertson, that he had told him in Hebron, that he had written a paper on the subject of tampering. He had written it over two or three times, and that it still looked blacker and blacker. John Robertson replied that he did not say that it looked blacker and blacker, but that he said that it looked black.

Question—Did John Robertson ever tell you, or did you ever hear him say, in speaking of the acts of Presbytery towards Dr. Bullions, that Presbytery went on so fast in their conduct or measures, that he had not time to think, and that their proceedings were rash, precipitate and unjust ? **Mr. Clark** of counsel for Complainants, objects to the question on the ground that it is immaterial and irrelevant. The examiner over-rules the objection and receives the testimony.

Answer—I have heard him say something to that effect.

Question—Did John Robertson vote against the suspension of Dr. Bullions on the fifth of October, 1837 ? **Mr. Crary** of counsel for Complainants, objects to this question on the ground that it is immaterial and irrelevant, and that it is improper, and how the judges individually voted cannot be enquired into, or their individual opinions. The objection is over-ruled by the examiner and the evidence received.

Answer—It is my impression that he did vote against the suspension.

Question—Did John Robertson also vote at the *pro re nata* meeting in Cambridge, on the 14th November, 1837, against excluding Messrs. Pringle, Goodwillie and White, from their seats in Presbytery. **Mr. Crary** of counsel for Complainants objects to this question on the same ground as last before given. The examiner over-rules the objection and receives the testimony.

Answer—He did.

JAMES LOURIE.

Sworn, examined, and subscribed
 this 13th day of July, in }
 the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY.
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } JAMES LOURIE'S re-examination.
ALEXANDER BULLIONS, *et al.* }

James Lourie, a witness produced on the part of the Complainants in the above entitled cause, and examined by Mr. Clark of counsel for said Complainants, and cross-examined by Mr. Allen of counsel for Defendants, being now re-examined by Mr. Clark, deposeth as follows, viz:

Question—What induced you to leave Dr. Bullions? Mr. Allen of counsel for Defendants objects to this question, as irrelevant and immaterial. The examiner over-rules the objection and receives the testimony.

Answer—Because I believed that Dr. Bullions and those who had signed the affidavit, had practically renounced some of the principles and forms of Presbyterian Church government. Another reason was that if Dr. Bullions had been illegally and unjustly deposed, it was not therefore a scriptural and justifiable reason for me to dissolve my connection with the Associate Church, for if it was in his case, a justifiable reason it would have been in the case of any other minister in connection with the Associate Church, if he should be unjustly and illegally deposed. Mr. Allen objects further to this answer that it gives the reason of the witness and his argument with himself why he changed his mind.

Question—Why do you think the acknowledgement of Dr. Bullions was not satisfactory? Mr. Allen of counsel for Defendants objects to this question same as above, including those mentioned after last answer.

Answer—He did not acknowledge that he had committed any sin. He said that "if he had" &c., and at the time he offered to prove that he did not utter this language. Upon after reflection I came to the conclusion that it was not satisfactory.

Question—When did John Robertson make the remarks relative to the rash and precipitate conduct of Presbytery in Dr. Bullions' case?

Answer—I do not recollect of his saying that they went so fast that he had not time to think, but I recollect of hearing him say in the presence of some of the Session and Congregation, in the lobby of the Church, before the Congregation meeting commenced, that they were rash, precipitate and unjust. This was soon after Dr. Bullions was suspended.

The examination of this witness being closed, it is consented and agreed by the parties, that if Mr. John Robertson and Mr. George Lourie do not agree in the number of the communicants in the Cambridge Congregation in June, 1838, and as to what portion or number of them are now adherents of Dr. Bullions, and what portion or number of them are now adherents of Presbytery, and submit the same as evidence in this cause, before the closing of proofs on the part of Complainants, or in a reasonable time after that, this witness, James Lourie, may and shall be recalled and examined on this subject, with the like effect as if he were now examined thereon.

And that the subject in relation to all moneys which had at any time previous to June, 1838, been given, subscribed, paid, or in any way received by or for the benefit of the Cambridge Congregation, and how much thereof had been paid, donated or received from the adherents of each side, respectively.

as they are now divided, and all sums from persons who are now dead or have removed from said Congregation, may in like manner be testified by said Jas. Lourie, unless in like manner agreed upon.

JAMES LOURIE.

Sworn, examined and subscribed, }
 this 13th day of July, in the }
 year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*

I certify the foregoing to be a correct copy of the Deposition of James Lourie, as examined and compared with the original, by me.

JAS. GIBSON, *Examiner in Chancery.*



IN CHANCERY,
 BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
 vs. } Deposition of ROBERT KERR.
 ALEXANDER BULLIONS, *et al.* }

Deposition of Robert Kerr, a witness produced on the part of the Complainants and sworn and examined in a certain cause now pending in the court of Chancery, of the State of New-York, before the Chancellor of said state wherein William Stevenson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, members of the Church in full communion, known as the Associate Congregation of Cambridge of the county of Washington and the State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America are Complainants, and Alexander Bullions, James Shiland Robert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge, of the county of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Defendants on the part of the said Complainants before James Gibson, one of the examiners in Chancery of said State, at the house of Chester Safford, jr. in the town of Salem in the County of Washington, on the 14th day of July, in the year 1842, as follows, viz: Mr. Allen, of Counsel for Defendants objects to this witness, that he is interested. Whereupon the witness after having been sworn on his *voir dire* deposeth as follows, viz:

Question—Are you interested in the event of this suit?

Answer—I do not know that I am now.

Question—Have you contributed any thing, or are you to contribute any thing towards carrying it on?

Answer—I did once contribute; it was before the commencement of the suit, and for the purpose of commencing or taking advice.

Question—How much did you contribute?

Answer—Twenty five dollars.

Question—When was it. How long before the suit was commenced?

Answer—I think it was in the summer of 1838, after the division took place.

Question—Did you sign a subscription paper to contribute toward expenses of the suit?

Answer—I am not positive that the suit was commenced at the time I signed. The contribution was to take counsel and I do not know but to commence a suit. It was to take counsel, and if counsel advised to commence a suit.

Question—Who had the paper when you signed it?

Answer—I believe John Robertson had it.

Question—Did he keep it after you signed it?

Answer—I think he did.

Question—Are you a member of the church or body of which John Robertson and others are members, and which claims to be the Associate Congregation of Cambridge?

Answer—I am not a member.

Question—Are you a hearer or adherent of that body?

Answer—I am. I worship there.

Question—Is your wife a member of that church or body, and also some other members of your family?

Answer—My wife is.

Question—If the church building which is now the subject of controversy in this suit should be recovered in this suit, with the other property, do you calculate and expect to attend church in it and occupy the building with the Complainants and their adherents? Mr. Clark, of Counsel for Complainants, objects to this question, on the ground, that his expectation is no ground of exclusion as a witness; and the property belongs only to those in full communion, and that the question is immaterial, and that the interest is remote and contingent. The Examiner over-rules the objection and receives the testimony.

Answer—I do, if I am there at that time.

The deposition being read to the witness, he states that in answer to the question, whether “he is a hearer or adherent of that body” that he would answer, that he attends public worship there. That is all I mean by my answer to that question. It is the only church I generally attend.

ROBERT KERR.

Sworn, examined and subscribed }
this 14th day of July, in the year }

1842, before me,

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }

vs.

ALEXANDER BULLIONS, *et al.* }

Cross-examination on *vair dire* of ROBERT KERR.

Robert Kerr, a witness produced on the part the Complainants, in this cause, being challenged by the Defendants therein, on the ground of interest, and examined therein by Mr. Allen, of counsel for said Defendants, is now cross examined by Mr. Clark, of counsel for said Complainants, and deposeth as follows, viz:

Question—Did you ever agree in any way, directly or indirectly, to contribute or pay any sum towards this controversy or suit other than the \$25 00 spoken of before? Mr. Allen, of counsel for Defendants, objects to the question on the grounds that the paper which he says he signed is in the possession of John

Robertson, one of the Complainants, and is the best evidence of its contents and should be produced. The examiner over-rules the objection and the answer is taken down.

Answer—I never did.

Question—Have you uniformly refused since that to give any thing or contribute any thing towards it?

Answer—I have refused.

Question—Have you, or do you claim any interest in the property in controversy?

Answer—No, I cannot say that I do.

Question—Did you refuse to sign any paper of adherence with or to the Complainants in this cause, or to the minister called by them? Mr. Allen of counsel for Defendants, objects to this question on the grounds that if a paper was presented to him to sign, the paper should be produced. The examiner over-rules the objection and receives the answer.

Answer—I did not refuse. There was two papers at the time they gave the “call” to Mr. Reed; one was for members, and the other was for those who attended there, but who were not members. I think I signed the one that was not for members of the Church to sign.

ROBERT KERR.

Sworn, examined and subscribed, }
this 14th day of July, in the }
year 1842, before me,

JAS. GIBSON, *Examiner in Chancery.*



IN CHANCERY,
BEFORE THE CHANCERY.

WILLIAM STEVENSON, <i>et al.</i>	} ROBERT KERR's further direct examination on <i>voir dire.</i>
vs.	
ALEXANDER BULLIONS, <i>et al.</i>	

Robert Kerr, a witness produced by Complainants, challenged and examined by Defendants, cross-examined by Complainants, and now re-examined by Defendants' counsel, deposeth further, as follows, viz:

Question by Mr. Allen—Did you contribute towards building the brick Church in controversy, and if so, how much?

Answer—I did contribute ten dollars?

ROBERT KERR.

Sworn, examined and subscribed, }
this 14th day of July, in the }
year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*

Mr. Allen of counsel for Defendants now objects that the testimony of the witness shews him to be directly interested in the event of this suit. The examiner thereupon over-rules the objection and receives the testimony.

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } ROBERT KERR's direct-deposition.
ALEXANDER BULLIONS, *et al.* }

Robert Kerr, a witness produced on the part of the Complainants, and examined by Mr. Clark of counsel deposeth as follows, viz:

I am a resident of Jackson, Washington county, am a farmer, and fifty two years of age.

Question—Were you in attendance at the Congregational meeting in June, 1838 at the meeting house in Cambridge, on Monday after the Synod confirmed the decision of Presbytery, when Mr. Goodwillie was there, referred to by James Lourie, in his testimony?

Answer—I was.

Question—Did you hear Mr. Goodwillie's address to the Congregation, and what did he tell them they could do in the matter of Dr. Bullions, and was Dr. Bullions present? Mr. Allen of counsel for Defendants objects to this question on the grounds that it is irrelevant and immaterial, and hearsay testimony, and if proper, Mr. Goodwillie is a competent witness to prove it. The objection is over-ruled by the examiner and the evidence received.

Answer—I heard the address of Mr. Goodwillie. He observed that he knew of but two courses they could take; one was to dismiss Dr. Bullions, the other was to join him in his protest and declinature. I do not recollect whether Dr. Bullions was present just at that time or not, he was present at the meeting.

Question—Did Dr. Bullions then read a paper to the Congregation which he said he had read or presented to the Synod, and what did he say it was? Mr. Allen of counsel for Defendants objects to this question on the grounds that it is leading, and the paper referred to should be produced, and that is the best evidence of its contents. The objection is over-ruled by the examiner and the answer received.

Answer—Dr. Bullions read a paper to the Congregation, which he said he had presented to the Synod, and I think he called it a protest and declinature. The paper which Dr. Bullions then read is to be found on pages 23 and 24 of exhibit A, on part of Complainants.

Question—Did there any other person address the Congregation there beside Dr. Bullions and Mr. Goodwillie, and if so who, and what did he say? Mr. Allen of counsel for Defendants objects to this question on same grounds as before. The examiner over-rules the objection and receives the testimony.

Answer—Several spoke. Messrs. John Perine, Daniel McFarland, I think, and some others, I can't remember whom. Mr. Perine said he thought the Congregation had been "Presbyterians" long enough; he now thought they had better be "Independents," or words to that effect. I think Mr. McFarland afterwards made a motion to join Dr. Bullions in his protest and declinature.

Question—Was such a motion made?

Answer—There was.

Question—Was it carried by a majority?

Answer—It was.

Question—What other motion was then made?

Answer—There was a motion made to invite Dr. Bullions to preach.

Question—Were you present the next Sabbath after this meeting, at the brick meeting-house, when the commissioners of Synod, Messrs. McKie and McGill were there?

Answer—I was there.

Question—Was a paper read and by whom, to the people assembled on the green in front of the church building?

Answer—There was; it was read by Jas. Shiland.

Question—Is the paper now shewn you and marked as Exhibit R, on part of Complainants, that paper in words?

Answer—I think it is.

Question—Were the doors of the church opened on that occasion to the commissioners and the Congregation, or were they closed against them?

Answer—The doors were closed against them. I saw Mr. William Robertson, one of the Trustees, as I understood, come to the church and tried the three doors; they were all fastened, he could not open any of them. He asked Mr. Hill, another of the Trustees, how it happened, and why the doors were closed. Mr. Hill made reply for him to wait and not be in a hurry about going in, or something to that effect. Mr. Robertson replied back that it was time the doors were opened; the people had collected and wanted to get into the church. The doors were not opened till after commissioners retired, and I went away about the time the commissioners went, and a good portion of the people went to another place where the commissioners preached.

Question—After Mr. Shiland read that paper, Exhibit R, did one of the commissioners read a paper to the people there assembled?

Answer—He did. It was Mr. McGill.

Question—Is the paper now produced and shown to you that paper? Mr. Allen of counsel for Defendants, objects to the question on the ground, that it is immaterial and irrelevant. The objection is over-ruled by the Examiner, and the answer taken down.

Answer—I think that is the paper that he read, as nigh as I can recollect. The Complainants produce this paper and it is marked as Exhibit S on part of Complainants.

Question—Was Mr. Perine, spoken of before by you a member of the Associate Church at Cambridge, in the month of June, in the year 1838, and is he a follower and adherent of Dr. Bullions?

Answer—He was a member at that time of the Associate Church, and is now a follower and adherent of Dr. Bullions, as far as I know.

Question—Was Mr. McFarland then a member of the Associate Church, and is he now an adherent of Dr. Bullions?

Answer—He was at that time a member of the Associate Church, and is now an adherent of Dr. Bullions.

The deposition thus far being read to the witness, he states that he wishes to correct it as follows:—when I say a good portion of the people went to another place, where the commissioners preached, I mean that a good many people went but not a majority.

ROBERT KERR.

Sworn, examined and subscribed }
 ed this 14th day of July, in }
 the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*

I hereby certify that the foregoing is a correct copy of the deposition of Robert Kerr, in this cause, as examined and compared with the original by me.

JAS. GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*,
vs.
ALEXANDER BULLIONS, *et al*. } Deposition of JOHN BISHOP.

Depositions of witnesses produced on the part of the Complainants, and sworn and examined in a certain cause now pending in the court of Chancery, of the State of New York, before the Chancellor of said State, wherein William Stevenson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, members of the church in full communion, known as the Associate Congregation of Cambridge, of the county of Washington, and State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Shiland, Robert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge, of the county of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Defendants on the part of the said Complainants, before Jas. Gibson, one of the Examiners in Chancery of said state, at the house of Chester Safford, Jr., in the town of Salem, in the county of Washington, commencing on the 13th day of July, in the year of our Lord one thousand eight hundred and forty-two, as follows, viz :

John Bishop, a witness produced as aforesaid, on the part of Complainants, and being duly sworn, and thereupon examined by Mr. Clark, of counsel for said Complainants, deposeth as follows, viz :—I reside in the town of Argyle. I am a farmer, and am fifty-four years of age. I attended the session of the Presbytery of Cambridge, at Argyle, in October, 1837, the two first days. Dr. Bullions was there.

Question—Did you hear the declaration of Dr. Bullions to that Presbytery, at the time they were about to proceed with the trial of Mr. Stalker, and if so, what were his words? Mr. Allen, of counsel for Defendants, objects to this question on the following grounds : First : That it is irrelevant and immaterial and not within the issue. Second : That if the evidence is proper it can only be proved by the production of the minutes. The examiner over-rules the objection and receives the testimony.

Answer—I did hear his declarations on that occasion ; his words were as near as I can remember as follows : After the Presbytery had opened and proceeded with some other business, and were about to take up the trial of Messrs. Miller and Anderson, on complaint of Mr. Stalker, Dr. Bullions got up and wished the trial to be postponed for that time on account of the fewness of the members present, until there could be a fuller meeting, and till Mr. Pringle and Mr. Goodwillie were present.

He stated that most, if not all of the clerical members present were involved in the issue. That there were some of the members of this court who were not fit to sit in any court, and for the truth of it I refer you to your neighbor George Mairs and Rev. Peter Gordon. Some of the members of Presbytery,

then interrupted Dr. Bullions, saying he was throwing out insinuations against members of Presbytery, and wished to know what he had reference to. I think he was then called to name the persons, and according to the best of my remembrance Dr. Bullions seemed to make a halt and asked what he was to name persons for, or words to that effect. I think then the member who had made the observation before, stated that he had been making charges against members, and I think repeated the words that Dr. Bullions had uttered and wanted to know who was meant, or something like that.

Dr. Bullions then denied that he had used the words which the other member stated he had, and there was then considerable difficulty between Dr. Bullions and the other members. He was called to order by some one, or more of the members. Dr. Bullions did not come to order, he continued speaking and after some time he was called to order again by the moderator. He did not come to order at the first call of the moderator and I think he again called him to order and threatened to impose silence upon him for that sitting, if he did not come to order; and I think the moderator actually did impose silence upon Dr. Bullions, for that sitting. At some period during the forenoon, a member or members of Presbytery, threatened him with the infliction of a censure of rebuke; Dr. Bullions replied that they might censure him till they were tired. I might also remark here that before Dr. Bullions did submit, or about the time of his submission, they threatened to send for a peace officer, or a civil officer to arrest him, that they might go on with their business, or something of that import. Presbytery after that went on with their other business, I believe till they took a recess for dinner. When they returned after recess it was proposed to take up Dr. Bullions' case and dispose of it. One member replied that they could not till the injunction of silence was removed. An other member replied that the injunction was only for one sitting and that it was removed, or that it had expired by its own limitation.

They then called upon Dr. Bullions, I think if he was ready to submit to the rebuke, or the censure. There was then a considerable degree of conversation among the members which I do not distinctly remember; the next thing which I do distinctly remember, he was asked to submit to the rebuke and refused; there was then a proposition made to suspend Dr. Bullions. Some time during this discussion Dr. Bullions stated what he said or what he intended to say during the forenoon, that if the allegations abroad were true, there was some members not fit to sit in this court and referred to a document in the hands of George Mairs, Jr., for the truth or evidence of what he asserted.

The examination thus far being read over to the witness he states that where it states that there was a considerable degree of conversation among the members, he intended to say that there was considerable conversation between Dr. Bullions and the other members. At the time of this meeting of Presbytery, there were two Clergymen in the town of Argyle, of the name of Mairs. One the Rev. George Mairs. the other the Rev. George Mairs, Jr. I am a member of the Congregation in the town of Argyle, of which Mr. Miller is the pastor.

JOHN BISHOP.

Sworn, examined and subscribed this 13th day of July, in the year 1842, before me.

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY:
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*, }
vs. } PATRICK MCGILL's deposition.
ALEXANDER BULLIONS, *et al*. }

Patrick McGill, a witness produced on the part of the Complainants in the above entitled cause, before James Gibson one of the examiners in Chancery, in and for the county of Washington, at the house of Chester Safford, Jr., in the town of Salem in said county, on the 14th day of July, in the year 1842, whereupon being duly sworn and examined by Mr. Clark of counsel for said Complainants, he deposeth as follows, viz:

Question—State your residence, occupation and age.

Answer—I reside in the town of Cambridge, am a farmer, and am seventy-nine years of age.

Question—How long have you lived in Cambridge?

Answer—I have lived there ever since 1774.

Question—In 1784, 5 and 6 did you live adjoining Jonathan French?

Answer—I lived in those years, and for many years after, on the farm adjoining that of Jonathan French. His house was not over 1-4 of a mile from ours. A part of the time he lived within forty rods of us. I lived in Cambridge at the time the meeting house was built, which stood where the brick meeting house now stands. I think it was built in the year 1786, and that there was an inscription over the door, to that effect. That house was built on the land of Jonathan French. I knew John Blair, James Small, James Eddy, James Irvin, William McAulay, David French and George Miller, and in 1786 they all resided in Cambridge, and were members of the Associate Church and Congregation of Cambridge. I think those men are all dead. Jonathan French I have heard is dead. The old meeting house was built and stood on a piece of land, described in the deed, from Jonathan French, to the persons above named.

Question—How came Jonathan French to convey that piece of ground of which you have spoken to the persons above mentioned? Mr. Allen, of counsel for Defendants, objects to this question, on the following grounds, viz:—First, that it is calling for parole evidence to contradict the deed itself. Second, that it is calling for evidence to contradict the sworn allegation in the bill on that subject. Third, that it is irrelevant and immaterial. The examiner overrules the objection and receives the evidence.

Answer—I believe the Congregation met and agreed that the lot belonging to French was the most central and most convenient. Jonathan French was a member in communion with the Associate Church and of that Congregation. I believe as he was a member and for the reasons above it was built on Mr. French's lot; and I understood in the time of it that Mr. French gave this piece of land and something more towards building the church. Mr. Allen objects to the understanding of the witness as improper testimony. I was a member of that Church and Congregation at that time and continued so till a few years since.

Question—What was the general understanding in that Church and Congregation, as to the consideration on which Jonathan French conveyed that land, at the time, and always afterwards. Mr. Allen of counsel for the De-

defendants objects to the question, on same grounds as before and also that the understanding of the witness is improper. The examiner over-rules the objection and receives the evidence.

Answer—There was no difference of opinion in the Congregation; it was well understood that Mr. French gave this land, and a good deal more for his portion of the expenses of building the house; he was a liberal man. The new house stands on the same ground that the old one stood on. I think to obtain a little more room, around the new house; they swapped a piece with Mr. Stevenson. The Cambridge Congregation always occupied that house as their place of worship.

Question—Did you convey a piece of ground to the Trustees, of the Associate Congregation of Cambridge, for a manse house, near this Church, and if so, what piece of ground.

Mr. Allen objects to this question on the grounds,—First: That there is no foundation for it in the bill; that it is immaterial and irrelevant and not within the issue. Second: That the deed itself is the best evidence, and should be produced.

Mr. Clark answers, that the Complainants have not got the deed, and if it is on record, they will produce a copy, and that they say they suppose the Defendants have the custody of the original deed.

Mr. Allen replies, that they have not the deed that they know of, and have not had notice to produce the same, and have not therefore looked. The examiner over-rules the objection and receives the evidence.

Answer—I did convey one-fourth of an acre to them for a manse house. It was part of an acre of ground, purchased by me and my father, of Samuel Heath, but I had the deed of it. It was about forty rods south from the church; which piece of ground the Trustees conveyed to James Gilmore, in exchange for half an acre of land on which they afterwards built the manse house, giving Gilmore twenty or thirty dollars as the difference. They paid me nothing for this land. I gave it as my share towards putting up the house.

PATRICK MCGILL.

Sworn, examined, and subscribed
ed this 14th day of July, in
the year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.*

vs.

ALEXANDER BULLIONS, *et al.*

JOHN DOBBIN's, 2d., Deposition.

John Dobbin, 2d, a witness produced on the part of the Complainants, in the above entitled cause, before James Gibson, one of the Examiners in Chancery in and for the county of Washington, at the house of Chester Safford, jr. in the town of Salem, in said county, on the 14th day of July, in the year 1842, whereupon, being duly sworn and examined by Mr. Clark, of counsel for said Complainants, deposeth as follows, viz:—

Question—State your residence, occupation and age.

Answer—I reside in the town of Jackson, in the county of Washington. I am by trade a cooper, and forty-four years of age. I was a member of the

Associate Congregation of Cambridge for many years. I commenced attending as a hearer in 1819; and soon after, in the course of a year or two, became a member of the church in full communion, and continued so till some four or five years since, when I was set off by Presbytery to the Salem Congregation, over which Mr. Gordon is pastor. I was one of the subscribers for building the new church at Cambridge. During the time the new church was building the congregation met in a horse-shed near the church. We could not occupy the old Church as that was torn down to get a chance to set the new one on the same ground. I believe the new one covers the ground that the old one stood on. There were reasons assigned for this at the time.

Question—What were those reasons? Mr. Allen of counsel for Defendants objects to this question, on the grounds that it is immaterial and irrelevant, and calling for hearsay testimony, from others. The objection is over-ruled by the examiner and the evidence received.

Answer—The reasons were that they thought the title better for the Congregation, to this piece of ground, than to the other piece where they talked of setting the new house. I was a member of the Associate Church in Cambridge at this time. I think I attended a meeting of the Congregation to fix the site of the house. I am sure there was a meeting, and my impression is that I attended it. It was finally fixed where it now stands. A majority agreed to fix it there for the reasons I have assigned. The Church was commenced in the spring, and finished so that we went into it in the winter. I think about the first of January. While it was building they worshiped under the horse shed. The reasons that were then assigned why they thought the title to this piece of ground better than the other, were that that title was given to the Associate Congregation of Cambridge in subordination to the Associate Presbytery of Pennsylvania. Mr. Allen objects to that part of the last answer of this witness, which speaks of the proceedings of the meeting of the Congregation, because there is better evidence which should be produced.

Question—Was it, or not, your expectation as a subscriber, that a Church should be erected which would be a continuance of the Associate Church, theretofore erected on the same ground? The question is objected to by Mr. Allen of counsel for Defendants, on the grounds that the expectation of the witness is immaterial and irrelevant, and not proper testimony. Objection over-ruled.

Answer—It was.

Question—How was it then with the other subscribers, as far as you know? Mr. Allen of counsel for the Defendants objects to the question on the same grounds as before, and that witness can not know the expectations of others. The examiner over-rules the objection and receives the testimony.

Answer—It was the same with them so far as I know.

Question—Did you hear it conversed about by others in the Congregation? Mr. Allen of counsel for Defendants objects to the question on same grounds as before, and that what others say is not evidence. The examiner over-rules the objection and receives the answer.

Answer—I heard a great deal said upon the subject.

Question—How much was your subscription?

Answer—It appears by the book to have been fifteen dollars, but I think I gave twenty dollars.

JOHN DOBBIN, 2nd.

Sworn, examined and subscribed, this 14th day of July, in the year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. }
ALEXANDER BULLIONS, *et al.* }

Deposition of JOHN McARTHUR, Jr.

John McArthur, jr., a witness, produced on the part of the Complainants, being duly sworn by the Examiner, and thereupon examined by Mr. Clark, of counsel for Complainants, deposeth as follows, viz:

Question—State your residence, occupation and age? I reside in the town of Salem, in Washington county, am a farmer and forty years of age.

Question—Look on the book now presented and shewn to you, having in its title page the words: "This book is the property of the Associate Congregation of Cambridge, under the inspection of the Associate Presbytery of Pennsylvania." Have you seen this book before?

Answer—I think I have.

Question—Is this the book of record of the Associate Congregation of Cambridge from 1789 down to March, in the year 1833? Mr. Allen, of counsel for Defendants, objects to this question, on the ground that it is immaterial and irrelevant; which objection is over-ruled by the examiner and the evidence received.

Answer—I have several times acted as Clerk *pro tem.*, at Congregational meetings of the Associate Congregation of Cambridge, when this book was produced by the regular Clerk, as the book of records of that Congregation. William Stevenson was and had been for many years previous to that time, Clerk and Treasurer of that Congregation. Sometimes at other meetings of the Congregation, other persons have acted as Clerks *pro tem.* by appointment of the Congregation. It was a common thing to do this, although Mr. Stevenson was the regular Clerk. I acted as Clerk *pro tem.* at a meeting of the Congregation of the 21st November, 1826. The proceedings of that meeting transpired as entered on the records of the meetings in the book produced. I believe the book produced to be the book of records of the proceedings of the Associate Congregation of Cambridge of the years that it purports to be, and much of it, I know to be the records of the proceedings of the Congregation.

Question—Is the hand writing of the title page, containing the words repeated in the first question, in the same hand writing of the entries in the book from the commencement of it, on for several years? Mr. Allen of counsel for Defendants, objects to the question on the grounds, that is immaterial and irrelevant, and that the witness can not know, but by comparison, which is not testimony. The Examiner thereupon over-rules the objection and receives the testimony.

Answer—It appears to me to be in the same hand-writing. Robert Oliver has been dead many years.

Question—Look upon the back of Exhibit H on part of Complainants, at the superscription or direction thereon in the words

"Rev. A. Bullions, D. D.
Cambridge,
N. Y."

In whose hand-writing are those words? Mr. Allen of counsel for Defendants, objects to this question on the grounds that it is immaterial and irrelevant, and no foundation for it in the bill. The examiner thereupon over-rules the objection and receives the testimony.

Answer—I think it is in the hand writing of Dr. Alexander Bullions. The foot note in the words

“N. B. Let Mr. D. Gordon have a reading of the above,” is also, I think, in his hand writing. I have seen Dr. Bullions write, and am acquainted with his hand writing.

Question—How long have you been acquainted with the Associate Congregation of Cambridge?

Answer—Ever since I have had any recollection.

Question—What has been the practice of that Congregation, as to allowing persons who are not in full communion, to vote for Trustees? Mr. Allen of counsel for Defendants, objects to this question on the following grounds, viz: that it is irrelevant and immaterial. Whereupon the objection is over-ruled by the examiner, and the evidence received.

Answer—They who were not members in full communion, have been objected to once or twice, and I think were not permitted to vote.

Question—Were you formerly, and how long a member of the Associate Church and of the Associate Congregation of Cambridge, and are you still a member of that Church, and what Congregation are you now a member of?

Answer—I was formerly a member of the Associate Congregation of Cambridge, and a member of the Associate Church from the year 1822, or thereabouts, and continued a member of that Congregation till 1832, when I removed to Salem, and am now a member of the Associate Congregation of Salem. I am a son of John McArthur, one of the Complainants, and the other Complainants of my name are my brothers. George Lourie one of the Defendants is my cousin.

J. McARTHUR, JR.

Sworn, examined and subscribed, }
this 15th day of July, in the year }
of our Lord 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } Deposition of WILLIAM I. GRAHAM.
ALEXANDER BULLIONS, *et al.* }

William I Graham, a witness produced on the part of the Complainants in the above entitled cause before James Gibson, one of the examiners in Chancery, at the house of Chester Safford, Jr., in the town of Salem, in the county of Washington, on the 15th day of July in the year 1842, challenged by Mr. Allen of counsel for Defendants, and on his *voire dire* sworn by the examiner, and examined by Mr. Allen of counsel for said Defendants, deposeth as follows, viz: Mr. Allen states the grounds on which he challenges this witness, to be the same as those on which James Lourie was challenged.

Question by Mr. Allen—Are you interested in the event of this suit?

Answer—I do not know of any interest I have in the event of it. I am a member of the Church of which Mr. Robertson, and the other Complainants are members. I was clerk *pro tem* of one of the meetings of that Congregation. I was also clerk *pro tem* of a special meeting of the Congregation, held during the last fall or winter. At which it was resolved that the remainder of the

money necessary to defray the expenses of this suit, over and above the sum of \$500 00 already raised, should be raised in the same proportion on the subscriptions theretofore made, to raise the five hundred Dollars. There was one exception, Mr. Robert Kerr, he refused to agree to this, or obligate himself to pay any more than the sum he had already paid. I did not then, and do not now know who the subscribers were to that fund, nor what they had subscribed.

Question—Suppose the brick church and property in contest in this suit should be recovered by Complainants, will you not share in the benefits to be derived from such recovery, by attending worship therein and enjoying other privileges attendant upon such recovery?

Answer—If it is recovered, and they should hold their meetings there, I should attend there undoubtedly. I never have given any thing towards the property or that church, and I do not know as it would make any difference to me where I attend worship, but while I reside in the bounds of that congregation, I should attend worship with them according as I now think.

WILLIAM I. GRAHAM.

Sworn, subscribed and examined }
this 15th day of July, in the year }
1842, before me,

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } Cross examination of WM. I. GRAHAM on *voire dire*.
ALEXANDER BULLIONS, *et al.* }

William I Graham, a witness produced by Complainants, challenged by Defendants, and sworn on his *voire dire*, and examined by Mr. Allen, being now cross-examined by Mr. Clark, says,—I have never given any thing, nor subscribed any thing towards the expenses of this suit, and am in no way bound to pay any thing towards it.

Question by Mr. Clark, of counsel for Complainants—Were you a member of this congregation spoken of above by you at the time of the filing of the bill in this cause? Mr. Allen, of counsel for Defendants, objects to this question on the grounds, that it is irrelevant and immaterial. The examiner overrules the objection and receives the testimony.

Answer—I was not. I moved into the bounds of the congregation in July, 1839, but did not attend worship there during that season, but continued to attend worship at Mr. Gordon's church of which I was a member, till September I think in the year 1840. I have never agreed to give any thing toward this suit.

WILLIAM I. GRAHAM.

Sworn on *voire dire*, cross-examined }
and subscribed this 15th day of Ju- }
ly, in the year 1842, before me,

JAS. GIBSON, *Examiner in Chancery.*

IN CHANCERY.
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } Direct examination of WILLIAM I. GRAHAM,
ALEXANDER BULLIONS, *et al.* } on *voire dire*, resumed.

William I. Graham, a witness called on the part of the Complainants, in the above entitled cause, challenged by the Defendants, on the ground of interest, sworn on his *voire dire*, and examined by Mr. Allen of counsel for Defendants, cross-examined by Mr. Clark, being now re-examined by Mr. Allen, deposeth as follows, viz :

I am one of the collectors of the Congregation above spoken of, regularly appointed by them. I contribute three dollars a year towards the support of Mr. Reed, who is the present minister of that Congregation.

WM. I. GRAHAM.

Sworn, re-examined and subscribed, }
this 15th day of July, in the }
year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*

Mr. Allen of counsel for said Defendants thereupon renews his objection to this witness, on the grounds that he is directly interested in the event of this suit as is shewn by his testimony. The examiner thereupon over-rules the objection and receives the testimony.

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } WILLIAM I. GRAHAM's direct Deposition.
ALEXANDER BULLIONS, *et al.* }

William I. Graham, a witness produced on the part of the Complainants, and being sworn in chief, by the examiner, and examined by Mr. Clark of counsel for Complainants, deposeth as follows, viz :

Question—State your residence, age and occupation ?

Answer—I reside in the town of Jackson, in the county of Washington, am a farmer, and 41 years of age. The Rev. Archibald Reid is the settled Pastor of the Congregation composed of the Complainants and others.

Question—Does he and this Congregation adhere to the Associate Presbytery of Cambridge and the Associate Synod of North America ? Mr. Allen of counsel for the Defendants, objects to this question on the following grounds: as calling for the opinion of the witness, and is hearsay testimony. The examiner over-rules the objection and receives the testimony.

Answer—He and they do. Mr. John Robertson is the regular Clerk of this Congregation. He is one of the Complainants. I have acted as Clerk *pro-tem* at meetings of the Congregation; once at the annual meeting in January, 1842, and one special meeting previous. I have seen the records of this Congregation several times within the last year or two.

Question—Are the extracts produced by you a true copy of the minutes of that Congregation, so far as is set forth therein ? Mr. Allen of counsel for Defendants objects to this question on the following grounds:—First: That

extracts are not the best evidence, that the book itself should be produced, so that Defendants can have the benefit of it, as well as Complainants. Second: That the extracts do not contain but a portion of the minutes. Third: That the testimony is irrelevant and immaterial. Mr. Clark answers that the book is present, and Defendants may make any extracts from it they please, and may at any time have access to the book, and Complainants will furnish any extracts from it that Defendants will designate. Mr. Allen of counsel for Defendants thereupon waived all objections above taken, except the third.

Answer—It is a true copy of the minutes of that Congregation, so far as is set forth therein, commencing under the date of July 12th, 1838, and continuing down to January 4th, 1842, inclusive.

This document is now produced by Complainants, and is marked as Exhibit T, on part of said Complainants. The remainder of Exhibit T, on part of Complainants, being the first three leaves thereof, are true extracts from a book purporting to be the records or minutes of the Associate Congregation of Cambridge, the title page of which is in the following words:—"This book is the property of the Associate Congregation of Cambridge, under the inspection of the Associate Presbytery of Pennsylvania;" and is the same book testified to by John McArthur, Jr. as marked by the examiner. I have compared the said extracts with the original entries in the said book, and find them correct.

Question—Is there a stone placed in the wall of the brick church at Cambridge, on the innerside of the entrance, in front of the middle front door, with an inscription thereon, if so, what is that inscription? Mr. Allen of counsel for Defendants objects to this question on the ground that it is irrelevant and immaterial. The examiner over-rules the objection and receives the testimony.

Answer—There is, having the following inscription thereon: "The Associate Presbyterian Church. First built, 1786—Re-built, 1833."

WM. I. GRAHAM.

Sworn, examined and subscribed, }
this July 15th, 1842, before }
me,

JAS. GIBSON, *Examiner in Chancery.*

I certify that the foregoing contains a correct copy of the Depositions of John Bishops, Patrick McGill, John Dobbin, 2d, John McArthur, Jr., and William I. Graham, in the above entitled cause, as examined and compared with the original, by me,

JAS. GIBSON, *Examiner in Chancery.*



IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, <i>et al.</i> Compl'ts.	} Deposition of Rev. THOMAS GOOD-
vs.	
ALEXANDER BULLIONS, <i>et al.</i> Defend'ts.	

WILLIE.

Deposition of witnesses produced, sworn and examined in a certain cause now pending in the Court of Chancery of the State of New York, before the Chancellor of said State, wherein William Stevenson, William Robertson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, John Arnot, James Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac

Ashton, John Foster, and William Livingston, members of the Church in full communion, known as the Associate Congregation of Cambridge, of the county of Washington, in the State of New York, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Coulter, James Shiland, Robert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge, together with the Associate Congregation of Cambridge, of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America, are Defendants, on the part of the said Complainants, before Jas. Gibson, one of the Examiners in Chancery, of said State, at his office, in the town of Salem, in the County of Washington, on the 12th day of June, in the year 1841, as follows, viz:

The Rev. Thomas Goodwillie, a witness produced on the part of the Complainants, in this cause, being duly sworn and examined by Mr. Crary of counsel for said Complainants, deposeth as follows, viz:—

I am a resident of the town of Barnet, in the County of Caledonia, in the State of Vermont. I am forty years of age, and am a minister of the Gospel. I am a minister of the Associate Church, belonging to the Synod of North America. In the year 1839, and also in the year 1838, I belonged to the Presbytery of Vermont, adhering to the Synod of North America. I was acquainted with Claude Gilfilland. He was then Clerk of the Presbytery of Vermont. The Presbytery in the year 1839, made report to the Synod of North America. The report was published in the minutes of Synod.

Mr. Crary produced a printed book or pamphlet, which the witness states to be the minutes of the Synod of North America, for the year 1839, and which the witness also says contains the report of the Presbytery of Vermont, for that year. Mr. Crary of counsel for Complainants offers this pamphlet as an Exhibit in this cause. Mr. Allen of counsel for Defendants objects to the admission of the report of Presbytery of Vermont, on page 18 of said book, as being improper and irrelevant, and no proper foundation for it in the bill of complaint, filed in this cause. The examiner over-rules the objection and receives the said book or pamphlet, which is hereto annexed and marked as Exhibit A.

It is accorded to the custom of the Presbyteries attached to the Synod of North America, to make reports to Synod at every yearly meeting. The report may be transmitted to Synod in any way. It is signed by the Clerk or moderator of the Presbytery. Every thing is not returned, but only the most important operations of the Presbytery. The report of the Presbstery of Vermont made to Synod in the year 1839, is correct and true.

Mr. Crary of counsel for Complainants, asks the witness the following question—In the year 1838, did the Rev. Dr. Bullions make submission to the Presbytery of Vermont? The question is objected to by Mr. Allen of counsel for Defendants for the same reasons as stated above, to the report. The examiner over-rules the objection and receives the testimony.

The witness states that he did so make submission. On this submission, Dr. Bullions made confession, after which he submitted to the censure of Presbytery, and was thereupon restored by the Presbytery to Gospel ministry. The censure and submission are stated truly in the report of the Presbytery to Synod. Dr. Bullions did make confession to the Presbytery. In cases where censure is submitted to, confession is always previously made. It was so in this case. Dr. Bullions made confession, submitted to censure, and was thereupon restored. The charges against him were originally laid by the Pres-

bytery of Cambridge. The Presbytery of Vermont had a copy of the original charges made against Dr. Bullions by the Presbytery of Cambridge. All the members of the Presbytery of Vermont were members of the Synod which acted on Dr. Bullions' case, and of course had all the knowledge of the case, that the Synod had. The Presbytery of Vermont had no other evidence of the truth of the charges that I recollect of.

Mr. Crary asks whether the Presbytery of Vermont had the evidence before them, and the charges which were before the Presbytery of Cambridge at the time Dr. Bullions was deposed?

Answer—We had all the testimony before us, at the Presbytery, which was before the Synod.

Mr. Crary of counsel for Complainants asks whether Dr. Bullions confessed before the Presbytery of Vermont, the truth of what was proved before the Presbytery of Cambridge, at the time he was deposed? Mr. Allen of counsel for Defendants objects to this question on the grounds above stated, as to the admission of the report, and also that the minutes of Presbytery would be better evidence than parole testimony. Mr. Crary insists upon the evidence and it is received by the examiner, subject to the objection.

The witness states that the members of the Presbytery of Vermont did not consider all the charges proved against him, and therefore protested before the Synod against its proceedings, and for this reason did not require confession of every thing charged against him. The Presbytery of Vermont had no evidence before them, other than what they derived from being members of the Synod.

THOMAS GOODWILLIE.

Sworn, examined and subscribed this 12th day of June, in the year 1841, before me.

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY:
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*, Comp'ls. }
vs. }
ALEXANDER BULLIONS, *et al*. Defen'ts. }

Thomas Goodwillie, a witness already produced on the part of the Complainants in the above entitled cause, and thereupon examined by Mr. Crary of counsel for said Complainants, being now cross-examined by Mr. Allen of counsel for said Defendants, deposeth on his said cross-examination as follows, viz :

I have been a minister of the Associate Church since the year 1826. I have also since that time been a member of the Associate Synod. I claim to be a minister of that Church according to its rules and practice. I am a suspended minister, but Synod admits me to be still a minister. At the time Dr. Bullions was admitted into the Presbytery of Vermont, that Presbytery was a regular Presbytery of the Associate Church, according to its rules and practice. As such Presbytery, it had full power, authority and jurisdiction to receive Dr. Bullions into the Church.

I cannot recollect the whole of the confession made by Dr. Bullions, at the time of his reception into the Church. He confessed that if the words alleged to have been spoken by him before the Presbytery of Cambridge, were so

spoken, he was sorry for it, and retracted them if he uttered them. The Presbytery had a copy of the original charges made by the Presbytery of Cambridge, and they dealt with Dr. Bullions upon those charges. The confession made by Dr. Bullions, was entered upon the minutes of Presbytery. The reasons of Presbytery of Vermont for receiving Dr. Bullions, have never been called for by Synod, nor have the terms of his submission to Presbytery, and therefore the true merits of the case have never been before Synod. The Presbytery of Cambridge by excluding members of its body from seats on the trial of his case, rendered themselves incompetent to try Dr. Bullions. I fully believe that the deposition and excommunication of Dr. Bullions, by the Presbytery of Cambridge, was illegal according to the rules of discipline in that Church, because there was not sufficient cause for his deposition and excommunication and because the Presbytery acted in an illegal and disordered manner in deposing and excommunicating him. That he was tried originally in October, in the year 1837, when he was deprived of the liberty of speech by the Presbytery, and thus had not the means of defending himself, as the public issue of that Presbytery clearly shewed. That they deprived members of Presbytery from seats on his trial; and those who complained that he had offended them retained their seats in the Presbytery, and acted as his judges and condemned him. Thus acting contrary to a rule of discipline, that parties concerned shall not act on the trial. That they refused illegally his protest and appeal against the censure voted by Presbytery, in October in the year 1837; they did not admit his declinature, of their authority to bar the way of a trial, until his case was brought legally before Synod. This I believe was a warrantable declinature, because they had previously refused his protest and appeal; because they had so mutilated the court by the rejection of its members on his trial; and because those who were parties concerned took an active part in rejecting those members, and that without sufficient cause; and then after their rejection, they themselves judged and condemned him. In the case of Dr. Bullions his protest and appeal ought to have lasted all farther proceedings but contrary to rule the Presbytery proceeded to suspend him from his office and the communion of the Church. In this case the legal effect of a warrantable declinature, would be to stay all proceedings, until his case was brought before the Synod. In the case of such illegal decisions and opinions it is the duty of the person proceeded against, to protest and appeal. The very foundation of the Associate Church, was the right of protest and appeal from the illegal decisions and proceedings of all church judicatories. Mr. Erskine, the founder of this Church under his protest and appeal, claimed the right to preach and exercise the gospel ministry. The principles on which the Church was founded in Scotland by Mr. Erskine are now those of the Synod of North America in the main. At the union in 1782 the minority of the Associate Presbytery of Pennsylvania, although the majority of the Presbytery had joined in, the union declared themselves to be still the Associate Presbytery of Pennsylvania, and this act of the minority lies at the foundation of the Associate Church of North America.

The decisions of Church judicatories are not binding any farther than they are agreeable to the word of God and the standards of the church as founded on the word of God. If the censure is unjust they do not effect the standing as an officer of the person censured. In fact, unless so conforming the sentence is void, because an unjust deposition can not depose an officer in the sight of God. The ordination vow, as set up in the bill of complaint, filed in this cause, is not correct, as it does not state it in full. It leaves out a material part, as follows:—"Remembling that while they act uprightly, they judge

not for men but for the Lord, who is also with them in the judgment." If that is left out of the ordination vow, a person censured could never justify himself for resisting an unrighteous sentence, and by submitting to it, would act contrary to the will of God. A submission to church courts, as mentioned in the ordination vow, means a submission in the Lord. In February, in the year 1837, the Rev. Archibald White was a member of the Presbytery of Cambridge. I do not recollect being present at any meeting of the Presbytery of Cambridge in February, in the year 1837. I recollect being present at a meeting of the Presbytery of Cambridge in the month of November, in the year 1837. All the ministerial members of that Presbytery except Mr. Alexander Gordon were present. I was a member of that Presbytery at that time. I was legally notified by the moderator of that Presbytery, James P. Miller of Argyle, that there was to be a *pro re nata* meeting. I attended in pursuance of the notice. Previous to so attending I received a letter from Mr. Miller requesting me to go against Dr. Bullions, and attempting to prejudice me against him. There were present at the meeting Mr. Miller, David Gordon, Archibald White, senior, Dr. Bullions, Mr. Pringle, Mr. Stalker and myself. Archibald White was on that occasion deprived of his seat by a majority of the Presbytery. In the first place, in one vote Mr. Pringle and myself were deprived of our seats by the casting vote of the moderator. By this means the minority of the Presbytery converted themselves into the majority. The reasons of this exclusion were affinity to Dr. Bullions, and partiality as evinced by attendance upon the meetings of the Presbytery only, when Dr. Bullions' case was to be tried. There was no investigation of these charges. If there had been an investigation it would have appeared, that on account of distance from the usual places when Presbytery met they were more frequently absent than present when Dr. Bullions was on trial. According to the rules of the Church Mr. Pringle and myself were illegally and wrongfully excluded from the court. By the rules of the church when a challenge is interposed to any member of a church court, the court are bound to investigate the truth of such challenge before they can set him aside. After we were set aside the remainder of the Presbytery set aside Mr. White. The alleged grounds of setting him aside were, partiality to Dr. Bullions in attending meetings of Presbytery only when he was to be tried. The charges were not investigated by the Presbtery. Mr. White was cast out by the casting vote of the moderator. "Stuart of Perdivan" is a standard book of reference, but was never legalized as a standard work by the Synod. Some time after this exclusion of Mr. Pringle and myself I received a letter from Mr. Miller, in which he attempts still farther to prejudice me against Dr. Bullions, and in which I consider that he contradicts his decision in rejecting me from the Presbytery. I am still as I consider myself a member of the Presbytery of Vermont; as the Synod departed from the rules of the church in suspending me, and their sentence I consider therefore null and void.

The offence for which the first censure was passed on Dr. Bullions, was for saying, as the minutes of Presbytery set forth, "that some member or members present were not fit to sit in any court." That on the same day, as the minutes further state, Dr. Bullions designated the names of those persons, as follows: Messrs. A. Gordon, D. Gordon, Miller and Anderson; this meeting was in October, in the year 1837.

The session of a church in the Associate body, have no right to interfere with the temporalities of a church with regard to the custody of the church, the letting of the pews, &c. The Presbytery has no right to force a minister upon a congregation, nor has Synod, or Presbytery any power to place a minister in

the pulpit of a congregation, contrary to the will of the people. It is a fundamental principle, that the people must give the call. In order to supply the pulpit temporarily the Session with the consent of the minister may invite other ministers in good standing, to officiate in the church without the consent of the Presbytery. They may do this from Sabbath to Sabbath. In order to depose a minister, there must be three citations served upon him, and the last one must be with a certificate, which means that if he does not appear the court will be at liberty to proceed. This certification must be contained in the citation last served. Each of the citations must have ten days between the service and the return day if they proceed, otherwise their proceedings will be null and void.

Mr. Allen of counsel for Defendants, produces a book entitled on the cover "A book of Church Government and Discipline, agreed upon and enacted by the Associate Synod of North America, at Pittsburgh, June 6th, 1817." This book is hereto annexed and marked as Exhibit A on the part of Defendants.—The witness states that said book was at the time of the deposition of Dr. Bullions and until the spring of 1840 the standard book of discipline of the Associate Church. I consider that the purport of the letter I received from Mr. Miller was to prejudice me against Dr. Bullions and in favor of the Presbytery; it did not in words request me to go against Dr. Bullions, but such was its purport. Mr. Archibald White is 84 or 86 years of age, and has been since the year 1788 a member of the Associate Church. He has always maintained a high standing in the church for probity and piety, and particularly noted for his great knowledge of church government and discipline. The cross-examination above is objected to by Mr. Crary, of counsel for Complainants, so far as it contains the opinions of the witness, and admits parole evidence of letters which ought to be produced, and also that the same is irrelevant, immaterial and not within the issue or pleadings in this cause.

THOMAS GOODWILLIE.

Sworn, examined and subscribed this 12th day of June, in the year 1841, before me,

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs.
ALEXANDER BULLIONS, *et al.* }

Thomas Goodwillie, a witness already produced on the part of the Complainants, in the above entitled cause, and thereupon examined by Mr. Crary of counsel for said Complainants, and thereafter cross-examined by Mr. Allen of counsel for said Defendants, being now re-examined by Mr. Crary, of counsel as aforesaid, deposeth on his said re-examination as follows, viz: The Presbytery of Cambridge and Vermont, till the year 1838 comprised one Presbytery called the Cambridge Presbytery. The Synod divided the Presbytery of Cambridge, and erected that of Vermont, at the request of those persons who now compose the Presbytery of Cambridge. I wish to be distinctly understood that neither of the ministers who now compose the Presbytery of Vermont, requested that change. The Synod, as appears by its published

minutes, affirmed the decision of the Presbytery of Cambridge, relative to Dr. Bullions, in the year 1838. The minutes state that Dr. Bullions, was referred back to the Presbytery of Cambridge. The Presbytery of Vermont were afterwards libelled by the Synod, for restoring Dr. Bullions, and unfairly tried and condemned by the Synod, against which act said Presbytery has protested before the Synod. Synod received the protest in the spring of 1841, and appointed a committee to answer the reasons of protest in May, 1842. The Synod dissolved the Presbytery by commission, the Presbytery claim that it is still a lawful Presbytery, and in the full exercise of its powers. The Rev. Ebenezer Erskine preached the Synodical sermon before the Synod of Perth and Stirling. In this sermon Mr. Erskine condemned the abuses in the Church of Scotland, at that time. He preached upon his protest, as Dr. Bullions now does. Upon the decision of the Synod in the case of Dr. Bullions, he protested against the decision. At the meeting of the Presbytery in November, 1837, after Mr. Pringle, Mr. White and myself were cast out, the Presbytery refused to receive Dr. Bullion's submission, which I and other members of the Presbytery considered amply sufficient for his restoration. The only affinity between myself and Mr. Bullions was that I was a former brother-in-law of his, and Mr. Pringle married a daughter of Dr. Bullions. Dr. Bullion's wife had been dead at this time some seven or eight years, and he had married a second wife, who is no relation of mine. In the libel reported to Synod by the Presbytery of Cambridge against the Presbytery of Vermont, there was an allusion to the affinity of the witness and Mr. Pringle to Dr. Bullions, but in adopting the libel the Synod struck this out. The Associate Church is governed by the Presbyterian form of Church government, which consists of Church courts called Sessions, Presbyteries and Synod. Causes may be carried from Session to Presbytery, and from Presbytery to Synod, which is the court of last resort. The members of the session and the ministers promise obedience to the superior court in the Lord. Mr. Cray asks the following question: Who is to decide whether the obligations are observed, except it be Presbytery or Synod.

Answer—When the Presbytery and Synod decide contrary to the word of God, the person aggrieved is to protest against it and resist it as contrary to the will of God and the standard of the Church as founded on the revealed will of God.

Question by Mr. Cray—After a person, belonging to the Associate Church is excommunicated by both Presbytery and Synod, is he still a member in good standing?

Answer—He is still a member of the Associate Church, if the Associate Church, by its Judicatories, departs from the word of God and the standards of the Church in excommunicating him, or passing any other vote of censure.

Question by Mr. Cray—Can a person who says he has been cruelly and unjustly treated by being excommunicated, still be a member of the Associate Church in full communion?

Answer—I must refer to the answer to the question next previous to this as being an answer to the last one.

Question by Mr. Cray—Was any person excluded from voting on Mr. Bullions' case at the meeting when he was suspended?

Answer—I was not at that meeting.

Question—Was any person excluded from voting in Dr. Bullions' case at the meeting of Presbytery when he was deposed?

Answer—I was not at that meeting, but I suppose that the members who had been rejected from their seats in the former meetings for the same reasons would have been again deprived of their seats in his case for the same alleged reasons.

Question—Was there any censure inflicted on Dr. Bullions at the meeting when some members of the Presbytery were excluded from their seats ?

Answer—I do not recollect that there was any new censure.

Question—Was there any important decisions made at that time, in the case of Dr. Bullions, relative to his standing.

Answer—The refusal to receive the Doctor's submission, was an important decision, which took place at that time.

Question—Was such a decision made ?

Answer—To the best of my recollection, he offered his submission and the Presbytery refused to receive it, which I considered to be a great grievance, as a member of the Presbytery.

Question—What confession did Dr. Bullions make as a submission at that time ?

Answer—I refer you to the minutes of the Presbytery of Cambridge on that point.

Question—Did you hear Dr. Bullions at that meeting, before the Presbytery, confess that he had been guilty of lying and slander ?

Answer—I do not recollect what he said on that point, in particular.

Question—Was there certain requisitions made at that meeting, as the grounds which the Presbytery would require as his submission ?

Answer—I believe that there were six.

Question—Was Dr. Bullions called to answer more than one at that meeting ?

Answer—My impression is, that he was.

Question—Did he answer to more than one ?

Answer—I think he did answer to more than one.

Question—How many of those requisitions was he required to answer at that meeting ?

Answer—I think he was required to answer them all.

Question—Did he answer all ?

Answer—I think he did.

Question—What did Dr. Bullions answer to the 5th requisition ?

Answer—I do not recollect particularly what he said, but I have this general impression, that he retracted what he had said against the Presbytery. I think he withdrew what he said, and I think the Presbytery ought to have been satisfied with that withdrawal.

THOMAS GOODWILLIE.

Sworn, examined, and subscribed
this 12th day of June, in
the year 1841, before me,

JAMES GIBSON, *Examiner in Chancery.*

—*—

IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* Compl'ts. }
vs.
ALEXANDER BULLIONS, *et al.* Def'ts. }

Thomas Goodwillie, a witness already produced on the part of the Complainants, in the above entitled cause, and thereupon examined by Mr. Cray of counsel for said Complainants, then cross-examined by Mr. Allen of coun-

sel for said Defendants, and then re-examined by Mr. Crary of counsel for Complainants, being again cross-examined by Mr. Allen of counsel as aforesaid, deposeth as follows, viz :

Dr. Bullions protested against the decision of Synod on the appeal, as did also several other members of the Synod, as will appear by reference to page twenty and twenty-one of Exhibit A, on the part of Complainants. The reasons set up in this protest, are in conformity to the rules and practice of the Church Discipline. We entered a memorial and complaint, relative to our being deprived of our seats by the Presbytery of Cambridge to the Synod, in which we say, that we hold the acts of the Presbytery in rejecting us as unconstitutional and unprecedented, and that we hold all such acts of Presbytery, passed during our exclusion and all such acts as depend on them, as null and void from the beginning. This memorial lies on the table of Synod, untouched to this day. They were void according to rules of practice of the Associate Church. At the meeting of the Cambridge Presbytery, in October, 1837, Dr. Bullions had been suspended from the ministry, and his object in having the meeting in November, 1837, was to get himself restored. This was the object of Dr. Bullions, as I understood it.

THOMAS GOODWILLIE.

Sworn, examined and subscribed,
ed, this 12th day of June, in }
the year 1841, before me, }

JAMES GIBSON, *Examiner in Chancery.*

DEFENDANTS' EVIDENCE.



IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, <i>et al</i> ,	} ANDREW STARK'S Deposition.
VS.	
ALEXANDER BULLIONS, <i>et al</i> .	

Deposition of the Reverend Andrew Stark, a witness produced on the part of the Defendants, and sworn and examined in a certain cause now pending in the Court of Chancery of the State of New-York, before the Chancellor of said State, wherein William Stevenson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, members of the church in full communion, known as the Associate Congregation of Cambridge, of the county of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Shiland, Rôbert McClelland, Peter Hill, Trustees of the Associate Congregation of Cambridge of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Defendants, on the part of said Defendants, before James Gibson, one of the Examiners in Chancery, in and for the County of Washington, in the State of New-York, at Union Hall, in the village of Salem, in said County of Washington, commencing on the fourteenth day of September, in the year of our Lord one thousand eight hundred and forty two, and proceeding *de die in diem* deposeth as follows, viz.:

I reside in the city of New-York, am 49 years of age and am a clergyman of the Associate Church. I have been a minister of that Church a little over twenty years. I was a minister of the Associate Church in Durham, England, and came to this country in 1820. I am a pastor now in the Associate Presbyterian Church, Grand Street, New-York city. I am, to some extent, acquainted with the rules of discipline, faith and practice of the Associate Church. In order to pass a censure of any kind upon an individual member of that church, he must have committed a scandalous offence. The course of procedure in such case is particularly pointed out in the Book of Discipline. See page 44th of the book of Discipline and pages following. In the first place if the procedure is by libel a copy of it must be delivered to the person accused with the names of the witnesses attached, which are the only witnesses that can be examined in the case. The charge must be proved by admission or in general by the oath of two witnesses at least. I may have seen some parts of the account of the Presbytery of Cambridge of the trial of Dr. Bullions, and have heard them all read in Synod. I refer to his trial before that Presbytery commencing in October, 1837. The charge brought against Dr. Bullions was

his having as they said made an insinuation; these are the words. "They say he insinuated that some member or members present were unfit to sit in any court."

Question by Mr. Allen—Was the charge made against him at that time, viz: the fifth day of October, 1837, in the Presbytery of Cambridge, proved either by witnesses, or by his own admission, according to Presbytery's own account in their minutes, agreeable to the rules of discipline and practice of the Associate Church. Mr. Crary, of counsel for Complainants, objects to this question, on the grounds of immateriality, irrelevancy, and that it is calling for the opinion of the witness against the decision of the Presbytery. Which objection is over-ruled by the examiner and the evidence is received.

Answer—There was no proof offered or called for, and Dr. Bullions denied he had used the words imputed to him—Presbytery's own narrative is proof of this. See pages 11th and 12th.

Question by Mr. Allen—Did the Presbytery then in this instance actually proceed to censure Dr. Bullions, without having first ascertained the offence which they alleged he had committed, and had charged against him? Mr. Crary, of counsel for Complainants, objects to the question on the grounds that the witness says he was not present at the meeting of Presbytery at which the facts took place. That it is not the best evidence of those facts. Which objection is over-ruled by the examiner and the answer taken down.

Answer—The Presbytery resolved to rebuke him without having first ascertained the offence which they alleged he had committed, and which they had charged against him.

Question by Mr. Allen—Did the Presbytery in thus passing censure of rebuke, act agreeably to the rules of discipline of the Associate Church? Mr. Crary, of counsel for Complainants, objects to this question on the ground that it is calling for the opinion of the witness against the decision of Presbytery. Which objection is over-ruled by the examiner and the answer taken down.

Answer—The Presbytery in thus passing censure of rebuke, did not act agreeable to the rules of discipline of the Associate Church. For authority as to this answer, see book of discipline, page 55th, and section second, title "of rebuke." Dr. Bullions had a right, according to the rules and discipline of the Associate Church, to protest and appeal from the censure of rebuke. The effect of this protest and appeal, if admitted by the Presbytery, was to stay all proceedings; in case they refused to admit, he then had a right to protest and appeal against the rejection of his first protest and appeal. The effect of this last protest and appeal would be to suspend procedure and carry up the whole case to Synod for review and decision. See the 61st page of the book of discipline. After the admission of the second protest and appeal, that stopped all procedure in the Presbytery, and carried the whole case up to Synod for review. Presbytery had no right then to proceed, for if they had a right to proceed it would nullify the right of protest and appeal, for it would be needless to appeal from the sentence after the accused had suffered the penalty. I speak from my knowledge of the practice of the Church, and I never knew it deviated from, except in this instance. The Presbytery had no right to suspend Dr. Bullions at that time, for he was only in the exercise of a constitutional right.

Mr. Crary objects to the whole of this last answer as being merely the opinion of the witness against the decision of the Presbytery.

The term "contumacy," always, I suppose, means resistance to lawful authority, but to protest and appeal against a decision of a Church court is not contumacious, because it is only the exercise of a lawful right. It was not

contumacious in Dr. Bullions to refuse to submit to the censure of rebuke after he had protested and appealed, but it would have been contumacy for him to have resisted if he had not protested and appealed, as his resistance would then have been without lawful cause.

Mr. Cray objects to so much of this answer as gives the opinion of the witness against the decision of the Presbytery.

Question by Mr. Allen.—Is rebuke a proper Church censure ?

Answer.—It is ; see page 55th of the book of discipline, section second. I know of no other way that Dr. Bullions could have availed himself of his constitutional right to protest and appeal, than by refusing to submit to the censure of rebuke. If he had submitted it would have been abandoning his protest and appeal.

Question by Mr. Allen.—Are there any cases in which a Presbytery or inferior court may proceed after protest and appeal to a higher court, and if so, state the cases and to what length the court may proceed, according to the discipline of the Associate Church ?

Answer.—It depends altogether upon the sentence protested against; provided the protest and appeal be taken against any interlocutory sentence, which means a sentence not resulting in any censure, the court may in that case proceed with the trial, but if the protest be taken against a final sentence, issuing in censure, the court may not proceed. And this is the case as well where the first protest and appeal is rejected, and there is a protest and appeal against the rejection of the first, as where the first is admitted. The protest and appeal of Dr. Bullions against the sentence of rebuke, was against a final sentence. A Presbytery have in no case a right to proceed to the execution of the final sentence, after two protests and appeals. The second protest and appeal can never be rejected according to the usages of the Church.

Question by Mr. Allen.—Did the Presbytery of Cambridge, after admitting the second protest and appeal of Dr. Bullions, act agreeably to the rules and discipline of the Associate Church in suspending him ? Mr. Cray, of counsel for Complainants, objects to this question on the ground that it is calling for the opinion of the witness against the decision of the Presbytery. The examiner over-rules the objection, and the answer is taken down as follows :—

Answer.—The Presbytery did not act in accordance with those rules, because they suspended him for merely protesting against their decision to rebuke him, which was his only constitutional remedy prescribed in the book of discipline ; see book of discipline, page 61. It is certainly not according to the rules of the Associate Church to exclude a member of a Church court, from a seat in court, unless upon charges preferred and proved against him.

Question by Mr. Allen.—Was it according to the discipline of the Associate Church for the Presbytery of Cambridge to exclude from their seats, on the case of Dr. Bullions, at the *pro re nata* meeting of November, 1837, the Rev. Messrs. Goodwillie and Pringle ?

Answer.—Certainly not. It was contrary to all their rules and usages so to do. It was contrary to the practice of this very Presbytery, because in all other cases when Dr. Bullions was on trial, and they were present, the Presbytery allowed those persons to sit as members. There was another peculiarity about the procedure. It was contrary to all rule and usage to include the two in one resolution, as that prevented either from voting on its passage, and besides it was necessary to investigate the case and the charges made against the members, before they could be excluded. Those members were certainly illegally excluded on that occasion from their seats as members of that court. The Rev. Archibald White, Sen'r. was also illegally excluded from a seat in

that Presbytery at that time. He was the father of the Church, and by far the oldest member of Presbytery and Synod. I never heard an individual breathe a sentiment against him for the purity of his morals and the integrity of his character. It certainly is not legal for a member who is interested in the judgment to participate and vote as a member of the court. It is in effect a man's sitting on the trial of his own case and giving judgment thereon. It was not right, nor according to the discipline of the Associate Church for Messrs. Anderson, A. and D. Gordon, or Miller, to sit on the trial of Dr. Bullions, at the time he was suspended and deposed.

A declinature is a refusal to submit to the authority of the court. It is warrantable or unwarrantable according to the reasons on which it is founded. It may be said to be warrantable when a Judicatory is declined as having committed injustice in any interlocutory decision, or against particular persons, members, who are declined as having acted as parties in the cause. Perdivan, book 4th, title 5th, section 9th. The declinature of Dr. Bullions was in my opinion warrantable, and the only safe course it appears to me, he could pursue; and if he had continued in the court, it would in my opinion have been sanctioning a course of iniquity. By cutting off those members there was no ministerial member of Presbytery left, except such as were implicated or interested against him. The declinature of Dr. Bullions being lawful the Presbytery, if they had proceeded according to the rules of the church, should have stayed all procedure on his case till the next meeting of Synod. The declinature should have the same effect as a strong protest and appeal.

Question by Mr. Allen—Were the acts and doings of the Presbytery of Cambridge, after Dr. Bullions' protest and appeal, and after the exclusion of the members as before mentioned and after his declinature, according to the rules and discipline of the Associate Church, valid or binding upon Dr. Bullions?

Answer—They were not valid or binding, and Dr. Bullions was bound by his religious principles to resist them. He was bound by scripture to resist. See declaration and testimony, page 126th. He was to look to the word of God, and if the decision was not consistent with that he must resist. A *pro re nata* meeting is called in this way:—It is called by the moderator, at the request of two members of Presbytery, by his addressing a letter or notice to each ministerial member ten days previous to the time appointed. At a *pro re nata* meeting, no business can be done except that mentioned in the notice.

Question by Mr. Allen—Was the Reverend Duncan Stalker, legally excluded from his seat in Presbytery, at the meeting in December, 1837, in the case of Dr. Bullions?

Answer—I should think he was not legally excluded from his seat on that occasion. It was not legal or according to the discipline of the Associate Church, to depose Dr. Bullions in his absence in the manner they did, if his declinature was warrantable, which I think it was in this case. So far as I am informed it is not the usage or practice of the Associate Church to depose a person in his absence. My information is not however very extensive.

I would cite as authority for this the case of Moncrief and the Presbytery of Zetland mentioned particularly in "Hill of Dially's practice of the judicatories of the church of Scotland," page 54th. Previous to proceeding to trial of an accused person, he must have three citations according to the usage and practice of the Associate Church. This is the uniform practice and I have never known it departed from except in the instance of Dr. Bullions, or about that time. See Book of Discipline page 46th—ten days is the regular time which must elapse between the service and return of each citation, unless he is cited, *apud acta*, being present in court, by the moderator. I know of no cases where

citation may lawfully or legally be omitted. Where a member sends a message contemptuously declining the authority of the court, he might be proceeded against for that offence, but it would not dispense with the necessity of the usual number of citations. I was present at the meeting of the Associate Synod of North America, in May, 1838, when it met at Philadelphia. I was present during nearly the whole session, till within a day or two of its close. On the affirmance by Synod of the decision of the Presbytery of Cambridge in the case of Dr. Bullions, he protested against the decision of Synod and continued to exercise his ministry under his protest as other protestants have done since the Reformation in the 16th century. It has also been the practice of the seceders and on that is founded the whole secession church. The seceders considered it an honor thus to vindicate the word of God. I refer to page 25th of the narrative of the rise of the church. This is a book which cannot be denied as authority in the Associate Church. The principles of the church obliged Dr. Bullions to continue to preach under his protest in case the decision was contrary to scripture. The Synod departed from all the usages and practice of the Associate Church, in their decision on the case of Dr. Bullions, and had I not seen it actually done I could not have believed it. The Synod virtually abrogated, or set aside, the right of protest and appeal from an inferior to a superior church judicatory—which I consider one of the most important parts of Presbyterian church government. The alleged offence for which Dr. Bullions was first suspended and afterwards deposed, was protesting against Presbytery's decision to rebuke him, which was his undoubted right, that is he had an undoubted right to protest and appeal. See book of Discipline page sixty-one. But by this decision it is made a crime worthy of deposition to protest against the decision of Presbytery and appeal to Synod, for this is the only offence for which, the Presbytery say in their minutes they suspended him, also by sanctioning the conduct of the Presbytery in excluding three members from their seats without any just cause shown, the Synod has to a great extent destroyed the former discipline of the church.

The decisions of church courts according to the principles of the Associate Church are not binding when they are erroneous and not according to the word of God. An unjust sentence of a church court or one contrary to the word of God and the discipline of the church does not dissolve the pastoral relation. So far as I can understand, the decisions of the church courts in the case of Dr. Bullions, are not sanctioned by the word of God or the subordinate standards of the church. For authorities on this subject I would cite Book of Discipline page 55th, also page 54th. Acts of the Apostles, chapter 25th, verse 11th. Deuteronomy, 19th chapter, 15th verse. The duty of a minister when thus unjustly deposed is to continue in the communion of the church protesting against the decision. See the narrative page 24th, and the Declaration and testimony page 108th, and 109th. It is the duty of a minister thus unjustly censured to refuse submission to the highest judicatory of the church and remain in it until forcibly cast out. It is his duty to remain in a state of communion as long as he possibly can. See narrative, page 24th. Such an unjust deposition does not destroy the standing of a minister with the church. On the contrary the fathers of the secession church, Mr. Erskine and others, were accounted worthy of honor on that very account. The adherence by a congregation to a minister thus deposed is not a renunciation of the authority of Church courts or Presbyterian Church government, it is only a resistance to anti-Presbyterianism. It was so declared by the founders of the secession church. This is mentioned in Gib's Display. It is declared as the only way to preserve the law of the Lord's house. According to the principles of the Associate

Church those only are entitled to vote for spiritual officers who are members of the church in full communion, but for temporal officers, all members vote who are pew holders or contribute towards the temporalities of the church whether members in full communion or not. According to the principles of the Associate Church neither the Synod nor Presbytery have power or right to send a minister to preach to a congregation without their consent and without a call from the congregation. The call of the people is the foundation of the right to preach.

Mr. Crary of counsel for Complainants, objects to the last answer as not relevant to this case.

Question by Mr. Allen—Had the Synod the right or power to send Messrs. McGill and McKie to preach in the church of the Associate Congregation of Cambridge, at the time they did, against the will and wishes of the Congregation?

Answer—They have no such authority, according to scripture or the standards of the Church, to do so against the will and wishes of the congregation. Vacancies in the Associate Church are supplied by Presbytery on the call of the congregation; and the congregation are not bound to receive a minister, unless duly called by them. The government of the congregation is committed to the Church Session. Book of Discipline, page 7th. The Presbytery have no original jurisdiction over a congregation. They can proceed only on complaint or appeal, in the affairs of the congregation. In all cases against ministers, Presbytery has original jurisdiction; for authority, see Book of Discipline, page 23rd. The duty of deacons is to attend to the poor and their concerns. Book of Discipline, page 5th, and declaration and testimony pages 125th, and 142nd. The congregation acting by their trustees, have the control of the lands and temporalities of the Church. The minister, elders or deacons have no control, as such of the temporalities of the Church—I speak of this State—elders and deacons have sometimes been elected trustees and in such case, they would as such control the temporalities. There was a bill introduced into the Legislature of this State, to give the minister, elders and deacons of the Associate Church, perpetual control as trustees, but it did not pass. There are some churches, where the practice has been otherwise, than as I have stated, but I believe I have stated what the rule of the Church on this subject is. The trustees have the entire control of the church and may close the doors against a minister sent by Synod to preach to the congregation. They are subject only to the direction of the congregation.

The Presbytery has not the right in the first instance to declare who are, or who are not elders or members of the Church. The Church Session act on this subject and it can only go before Presbytery, by appeal from the decision of the Session. The Presbytery have no power to proceed, without charges and proof, and declare who is a member or elder of the Church. Mr. Crary of counsel for Complainants, objects to this last answer on the ground that the testimony is irrelevant to this case.

Church courts are not infallible;—they are liable to err. See authority for this, confession of faith, chapter 31st, section 4th; declaration and testimony, page 126th. They are entitled to obedience, only so far as they agree with the word of God. See confession of faith, chapter 31st, section 3rd and 4th; declaration and testimony, page 126th. I have known the Associate Synod of North America make a decision one year and reverse it the next, and then reverse the latter decision the succeeding year. Messrs. Anderson, Gordon, Miller and others, on page 33 of Exhibit B, on part of Complainants, accuse the Synod of North America of asserting an untruth; secondly, of misrepre-

sentation; of violation of the acknowledged rules of discipline; guilty of a breach of public faith, and many other things as bad as that.

The power of the Church courts is altogether spiritual; nothing more is claimed for them. See declaration and testimony, pages 68th, and 115th and 116th. They do not pretend to decide on questions of property. The original Seceders retained their churches for many years, and if they had not voluntarily given them up, would have continued to hold them.

There is a law in Scotland, that no civil officer shall execute the process of an ecclesiastical court. This was by an act passed in the reign of Queen Anne. See Smollet's history of England, Philadelphia edition, page 465th of the first volume. The Reverend Messrs. Marshall and Clarkson, the fathers of the Associate Synod of North America, were deposed by the Associate Reformed Synod, or by subordinate authorities of that Synod. See page 48 of the narrative. Mr. Marshall had a majority of his Congregation against him, and he was ejected with the minority. Mr. Clarkson had a large majority of his church in his favor, and he and the majority retained the possession of the church. The elders that were opposed to Mr. Marshall in his Congregation were deposed, and the trustees and others in the majority were excommunicated, but this did not prevent their retaining possession of the church in question. See McCulloch's life of Marshall, pages 27th, 30th and 31st. It is also stated in the narrative. So far as my knowledge extends the church has always been given to a majority of the Congregation when it could not be clearly proved that the majority had departed from the standards of the church. This was so decided in the English House of Lords in 1815, in the cause of Craigdallie and others *vs* Aikman and others.

There is no change, so far as I know, in the religion of Dr. Bullions or that of his Congregation. He preaches the same gospel he ever did to the best of my knowledge. The Synod of North America, however, has altered some since the time of my first acquaintance with it. I don't mean that they have altered their printed books, not materially, but I refer to their way of proceeding against persons accused of any thing. It was formerly customary to bring up witnesses and only examine those named in the libel. Of late years, I have known cases of individuals accused and found guilty without proof or evidence. This I consider a fatal departure from their rules and discipline. They have also, as I before stated, abrogated the power of protest and appeal.

The Synod has no power to prescribe any regulations, departing from the word of God or the standards of the Church. Its power is wholly ministerial. It has no legislative powers whatever. Book of discipline, page 4th. Declaration and testimony, 126. The effect of a Synod having the power to decide upon the temporalities of a Church, would be fatal to the Church. The Synod would in the end have the control of the entire temporalities of the Church. It was so in the olden time and might be so again.

Mr. Crary of counsel for Complainants, objects to this last answer as not in any way relevant to the case.

In general, the power of a Synod is to admit and judge of appeals brought before it from Presbyteries. See book of discipline, pages 12th and 13th. It has no power to censure a Presbytery, unless the case is brought before it as prescribed by the rules, and a relevant charge proved against it. The proper way to bring up the case of a Presbytery is by complaint against it or by appeal from its decision. On a complaint against a Presbytery, it could not be tried by the rules, until the Presbytery had been duly cited and the charge against it proved or admitted. See book of discipline, pages 47th and 59. I was present at the meeting of the Associate Synod of North America in the spring

of 1839, at Pittsburgh. It appears by the minutes of Synod of that year, on page 5th that John Robertson was assumed as a member of Synod; the meaning of the word assumed is one who is called by the Synod to a seat in the body, though not chosen by the session.

The Synod of the year 1839 had not the power or the right to suspend the Presbytery of Vermont, in the manner they did, as specified in the minutes of that year, on pages 28th and 29th. Messrs. Anderson, Miller and D. Gordon, were three of the ministerial members of the Presbytery of Cambridge, who brought in the charges against the Presbytery of Vermont, and as appears by the minutes of Synod, voted on the question as to the suspension of the latter Presbytery. According to the principles of the Associate Church, it was not right or proper for them to vote on that question. The Synod had no proof of the charges against the Presbytery of Vermont, on which they convicted and suspended that Presbytery. At the next meeting of Synod they adjudged that the Presbytery of Vermont did not deserve suspension at that time, and they brought it down to the inferior censure of rebuke; as appears by reference to page 24th of Exhibit D, on part of Complainants. The principles mentioned on the 24th page of the narrative, and the general principles of the moral law, justify the Presbytery of Vermont in their acts of restoration, relative to Dr. Bullions. The moral law binds any man to deliver his neighbor, who is in danger unjustly. Proverbs, 24th chapter, 11 and 12th verses. Mr. Crary, of counsel for Complainants, objects to the last answer, as not relevant to the case.

Question by Mr. Allen—Is it consistent with common sense, or the discipline of the Associate Church, for a church court to repeat a censure on one convicted while he lies under it?

Answer—I could not say about common sense, for that is not always followed in church courts; but I have never known an instance of such a censure except in the case of Dr. Bullions. He was sentenced twice under the censure of excommunication. What the Presbytery of Cambridge intended by excommunicating him the second time I do not know, but in other churches it would have been the final sentence or casting him out entirely, and having nothing further to do with him. And I have heard Messrs. Miller and Anderson and other members of Cambridge Presbytery, and they spoke for the whole Presbytery, and declared in Synod, that the Presbytery had cast out Dr. Bullions, and had nothing more to do with him. Under these circumstances, Dr. Bullions had a right to apply where he pleased, or to the Presbytery of Vermont for admission, and they had a right to admit him if they considered his sentence unjust. Luke, 17th chapter, 3rd and 4th verses.

The Presbytery of Cambridge and the Synod of North America, have been in the habit, since the case of Dr. Bullions arose, of inflicting censures utterly disproportioned to the offences charged; and I never knew in my acquaintance of church government, a person suspended for protesting against a sentence of Presbytery and appealing to a higher court, till the Presbytery of Cambridge suspended Dr. Bullions for so doing. In the case of the the Rev. Mr. Herron, Synod ordered him to be suspended unless he would confess his sin in hearing the Rev. Mr. Blair preach on a week day. Another instance is that of the case of the Rev. David G. Bullions, whom the Presbytery of Cambridge have recently suspended and cited for trial, for preaching in his father's church, when he was referred by Synod to the Presbytery of Ohio;—thus endeavoring to establish the doctrine, that they can deal with a person who is not a member of their body.

The acknowledgement of Dr. Bullions to the Presbytery of Cambridge was

amply sufficient and ought to have been received, and was more than was necessary to be made or ought to have been required. The Defendants thereupon produce a document subscribed, "A. Anderson, Presbytery Clerk," dated at Hebron, August 3d, 1842, directed to Mr. David Bullions. Being a citation to appear before the Presbytery of Cambridge and answer for alleged offences and in the meantime being suspended. This document being shown to the witness, he states that it is in the hand writing of the Rev. A. Anderson. The paper is thereupon offered in evidence by Defendants and is annexed and marked as Exhibit F, on part of said Defendants. The acknowledgement of Dr. Bullions of the 6th of October, 1837, was a proper one and contains no improper or irreverent appeal to the Deity, and in peaceful times would never have been taken notice of in the manner it was by the Presbytery of Cambridge. Dr. Bullions had been charged by the Presbytery with having made an insinuation. Dr. Bullions expressly disclaimed having made use of the words imputed to him, and appealed to the Searcher of all hearts that such was not his intention, and there was nothing improper in such appeal and his acknowledgement was sufficient and should have been received. If there had been an improper expression used by a member the usual way is for the moderator to check him, and in general, that is the end of it provided, he submits. But since the Presbytery of Cambridge has allowed party spirit to prevail towards Dr. Bullions and others; the rule or practice has been different toward him and others. I knew of attempts six years ago to put Dr. Bullions out of the church. Mr. Miller said about that time to me that there would be no peace in the church till he was cast out. I have heard William Stevenson, one of complainants, say that those of the Presbytery who were opposed to Dr. Bullions would never rest till they got him out; that Dr. Bullions was so frank in expressing his opinions, and his opponents were so artful that they would get the advantage of him. John Robertson, another of Complainants, intimated to me his apprehension that such would be the result.

I have seen and read, and now hold a copy of the seven requisitions, put by the Presbytery, at the *pro re nata* meeting, in Nov. 1837, to Dr. Bullions. Those requisitions were not such as ought to have been put by the Presbytery, and no honorable man would have proposed them to another unless he intended it as a plan to entrap him. I could not have proposed them to any man who, I thought ought to preach the gospel. I have seen and read and now hold the answer of Dr. Bullions, such as it was, to those requisitions. Those answers were more than he ought to have conceded, and should have been received by Presbytery as sufficient. The exclusion of Messrs. Goodwillie, Pringle and White destroyed the intention of the *pro re nata* meeting, and prevented the case from being fairly considered by the Presbytery, and thus effectually prevented the removal of the suspension. There is no question but a minister of the Gospel, who has been entirely cast out may apply to any other court for re-admission, for it is no reason why one Presbytery should do wrong, that another has already done so. See page 24th of the narrative. Another court may therefore re-examine the decision casting out a minister, and if unjust, receive him again into the church. I have seen and read the protest of Dr. Bullions against the decisions of Synod, in May, 1838. That protest was a legal protest, provided he was fully persuaded the truth was on his side, and that the cause of truth would have suffered, had he not made that protest. And I fully believe the cause of truth would have suffered, had he not protested. See page 126th of the declaration and testimony; also see pages 175th and 176th of the same work. The book of discipline does not sustain the interpretation that this protest was an unlawful declinature. There is nothing

on page 50th of the book of discipline which sustains the exclusion of Messrs. Goodwillie and Pringle. Members of a court have no right to exclude each other from seats in the court without objection from the parties; objection made by a member to another places the former in the light of an accuser. The book of discipline of the General Assembly of the Presbyterian Church is not authority with the Associate Church. There is nothing on page 209th of *Perdivan*, which sustains the Presbytery in dispensing with three citations, on the contrary that page expressly requires the three citations. In Synod, on the trial of Dr. Bullions, Mr. McClelland, a brother-in-law of Dr. Bullions, and an elder of Mr. Andersons, sat and voted as a member. The fifth section of the declaration and testimony, page 126th does not shew that persons are bound to submit to decisions of church courts, right or wrong, but on the contrary, that page shews that such person has a right to judge for himself, and has a right to remain in the church unless they forcibly exclude him.

Question by Mr. Allen—Do these words in the ordination vow:—"Remembering that while they act uprightly, they judge not for men, but for the Lord, who is with them in the judgment," make any difference in the obligations or duties of the person taking the vow?

Answer—They limit the submission to obey the Synod only when it acts agreeably to the word of God; and if left out would require a blind and implicit submission, such as is required by the Pope to his decrees. I know of no other offence for which Dr. Bullions was suspended than his having protested and appealed. From the Presbytery's own account of the trial and deposition of Dr. Bullions, on the subject of the anonymous letters, he was not legally tried and convicted. I have read and perused the narrative contained in Exhibit O, on part of Complainants, that part of it containing extracts from the minutes may be correct, but the residue is a mere *ex parte* statement, put forth by the Presbytery, for effect on the people. The censures and other acts and deeds of the minority Session, claiming to be the Session of the Associate Congregation of Cambridge, have no general binding effect, and I regard them in the most charitable way as merely expressions of feeling. Mr. Crary of counsel for Complainants, objects to this last answer as not relevant to the case. I have read the answer of the Defendants, to the original bill of complaint in this cause. That answer in its statements, with regard to the rules of discipline of the Church and the rights of the Defendants and the great principles of the Associate Church, is in general correct. I have been acquainted for 20 years with the Congregation of Cambridge and with Dr. Bullions. The Congregation and Dr. Bullions adhere to the same principles they have ever held to; and I know Dr. Bullions personally and intimately; and he bears a high character for probity, honesty and religious character. The Congregation have always prospered under his ministrations. I have heard him preach often of late years. Within two or three years he has preached frequently in the city. He preaches the same gospel and doctrine that he ever did.

A committee of the Associate Synod of North America have since the trial, deposition and excommunication of Dr. Bullions, obtained and published new and *ex parte* testimony on the subject of the anonymous letters, which is contained in the Religious Monitor for April, 1842, number 11, pages 493rd and 494th. There was no legal proof on the trial of Dr. Bullions, as appears from Presbytery's own account, that Dr. Bullions was the author or writer of those letters. I know the Rev. Abraham Anderson, who is a member of the Presbytery of Cambridge. He was here yesterday at the table writing during my examination. Mr. Crary, of counsel for Complainants, objects to the testimony as follows:—So far as the examination of Mr. Stark has proceeded without

objection, it has been under an agreement between the parties, that any objection might be made thereto without particularly specifying the same at the close thereof, and with the same effect as if the same had been made at the time he stated the facts, or expressed the opinion, and under such agreement, Mr. Crary, of counsel for Complainants, now objects to all of the said examination, which is irrelevant or immaterial, and which states the opinion of the witness against the decisions either of Presbytery of Synod; and also against the exhibit marked F, on part of Defendants;—which objections are over-ruled and the evidence is received by the examiner.

ANDREW STARK.

Sworn, examined and subscribed, }
 this 14th day of September, in }
 the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY,
 BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
 vs. } Cross-examination of Rev. ANDREW STARK.
 ALEXANDER BULLIONS, *et al.* }

The Rev. Andrew Stark, a witness produced on the part of the Defendants in the above entitled cause, sworn by the Examiner, and examined by Mr. Allen, of counsel for said Defendants, being now examined by Mr. Crary, of counsel for said Complainants, deposeth thereupon as follows, viz:—

The form of church government of the Associate Church is called a Presbyterian form of church government. In order to admission to communion and baptism in this church, a belief in this form of church government is required of the applicant. Under this form of government there is required a Session, Presbytery and Synod, where there are more than two Presbyteries.

The session has no jurisdiction over the minister. All complaints against a minister must originate in Presbytery. The Associate Church in North America has but the Associate Synod of North America. There are two bodies, each claiming to be the Associate Synod of North America. The one I belong to was unjustly excluded, and we claim to be the true Synod,—the other having departed from the principles of the Church.

The Associate Synod of North America was formed by a few persons composed of two ministers and those who adhered to them, who refused to enter into the union between the Associate and the Reformed Churches, in or about the year 1781; for particulars see the narrative. These persons first called themselves the Associate Presbytery of Pennsylvania, and continued to do so for about twenty years. This Presbytery was at first in subordination to the Church of Scotland. When this body became a Synod they called themselves the Associate Synod of North America. This was about the commencement of this century. That Synod unjustly expelled certain persons, who now claim to be the Associate Synod of North America, they do this according to the narrative, page 24th and the general principles of the Church.

Question by Mr. Crary.—When was this body of the excluded formed?

Answer.—That body held its first separate meeting as a separate body in June, 1841. They met in Cambridge, Washington Co. New-York. It is composed of the Associate Presbyteries of Cambridge, Vermont and Albany. The Associate

Congregation of Cambridge belonging to this body, has two Pastors, Dr. Bullions and the Rev. David G. Bullions as I have heard and believe. In June, 1841, the Pastor of that Congregation was Dr. Bullions—this I have heard and believe. I was present at the meeting of Synod in June, 1841,—the Rev. Messrs. Stalker, White, Thomas Goodwillie, Pringle and the Rev. Dr. Peter Bullions were there. Dr. Alexander Bullions and myself were also present. The Rev. Mr. Quackenbush is a member of this Synod. The Rev. Mr. Blair and the Rev. David G. Bullions are also members of the Synod. These are the ministerial members that I recollect, of that Synod. There was a meeting of the Associate Synod of North America at Cambridge in June, 1842. The Synod meets as often as they please. This was the annual meeting. The Synod had never met at Cambridge before the meeting in 1841. I have attended the meeting of the Associate Synod at Pittsburgh. In 1840, the meeting of the Synod was at Baltimore. The Synod met at Cambridge and was constituted by prayer by the senior member in the usual way. I was not present at the meeting of Synod in 1840. I do not know where the Synod of 1840 adjourned to meet further than is mentioned in Exhibit D, on part of Complainants, page 19 where it states that it was to meet at Washington, Pennsylvania, on the 4th Wednesday of May next, at 4 o'clock.

Previous to June, 1841, there might have been a meeting of the Synod ; I cannot of my own knowledge state. Those persons I have named as present at the meeting of Synod at Cambridge, in June, 1841, acted in accordance with the principles and views of the Synod, which met at Philadelphia, at the time I attended previous to the defection of the majority. The defection commenced in 1830, and continued down to the departure of the majority from the principles of the Associate Church. The true Synod met at Cambridge, Washington County, in June, 1841. A number of ministers that formerly belonged to the Associate Synod, left the practice of the church and made a defection from some of its principles and violated its discipline. There is no other Synod holding the same principles and discipline that I know of, except the Associate Synod of North America, which met at Cambridge, in June, 1841. The Synod which met in Cambridge, in June, 1841, is the only true Synod of the Associate Church in North America, because it holds the true principles that have always been held by the Associate Church. I have always heard and believe that there is another body calling itself the Associate Synod of North America, but in my opinion that is not the true Synod. It is matter of fact that it is not the true Synod, according to secession principles. It is stated in Exhibit D, on part of Complainants, that the erroneous Synod was to meet in Washington, Pennsylvania, in May, 1841.

Question by Mr. Cray—Did some of the members, composing this Synod, which met in Cambridge, Washington County, in 1841, and claiming to belong to the Presbyteries of Albany and Vermont, memorialize the Synod which met in Washington, Pennsylvania, on the fourth Wednesday in May, 1841, as the Associate Synod of North America? Mr. Allen of counsel for Defendants, objects to this question as improper, and as immaterial and irrelevant, and because the minutes are the best evidence. Which objection is over-ruled by the examiner and the evidence received.

Answer—I can not answer the question as it now stands. Some of the members did memorialize that body, and called them the Synod out of courtesy, because they called themselves so; some of them thought it wrong, but thought finally it did not involve any principle and as a matter of courtesy they gave them that name.

Question by Mr. Cray—Who signed this memorial?

Answer—I do not know. The true Associate Synod of North America, met at Cambridge, Washington County, again in June, 1842, and did as the true Synod, adjourn to meet again in another year.

Question by Mr. Crary—Do you belong to the Associate Synod, which met in Cambridge, Washington County?

Answer—I do.

Question by Mr. Crary—Do you know whether the Associate Synod of North America, that meets in Philadelphia, Pittsburgh, &c., still continues to hold its meetings?

Answer—I have heard so.

Question by Mr. Crary—Do you belong to the Synod, last mentioned?

Answer—I only belong to the true Associate Synod of North America.

Question by Mr. Crary—Is that the Synod which met in Cambridge, Washington County?

Answer—It is.

Question by Mr. Crary—Did this body thus organized in Cambridge, Washington County, appoint the usual officers of a Synod, moderator, clerk, &c.?

Answer—I did not say any thing about being organized. I said that the Synod met agreeably to usage and the oldest members was called upon to call the Synod to order and constitute it by prayer agreeable to usage.

Question by Mr. Crary—Do they have a clerk?

Answer—They do; they proceeded to appoint one.

Question by Mr. Crary—Did the Synod thus organized, adjourn to meet again the next year?

Answer—The Synod after the business was finished, adjourned to meet again the next year.

Question by Mr. Crary—Were you present at the meetings of Cambridge Presbytery you have spoken of?

Answer—I was not present at any of the meetings in Washington County, to which I have referred, but I have been present at meetings of Presbytery, when Synod was in session.

Question by Mr. Crary—At any meeting of which you have been present were there any proceedings against Mr. Bullions?

Answer—I cannot tell how often I was present at these meetings at Philadelphia, Baltimore, &c., and I have heard the Presbytery making up their report and giving statements of their proceedings against Dr. Bullions; and the whole of the proceedings of Presbytery read in Synod, and that I was not present at the meetings of the Presbytery in Washington County, I stated clearly yesterday.

Question by Mr. Crary—Is it from information of the proceedings against Dr. Bullions that you give the opinions you have stated of the proceedings against him?

Answer—It is from the public, authorized documents of the Presbytery laid before Synod and from statements made by the Presbytery and by Dr. Bullions in the Synod and which all parties admit to be true.

Question by Mr. Crary—Was you present before the Cambridge Presbytery in Washington County when the proceedings of which you have spoken took place against Dr. Bullions? Mr. Allen objects to this question on the ground that it has been asked and answered more than once before. The question withdrawn.

Question by Mr. Crary—Who is to judge and whether the delinquent can decide against the decision of the court and remain a faithful member of the Church in full communion?

Answer—The answer I give is in the words of the declaration and testimony. "Every man has a right to judge for himself concerning the determination of Church judicatories, yet he ought not to oppose any decision of the courts of Christ, unless he is fully persuaded in his own mind that his truth and cause will suffer by his silence." See page 126.

He can only be excluded unlawfully if he acts so. Such exclusion would not deprive him of his right, but only make them more guilty. See ninth Chapter John.

Question by Mr. Crary—Would he be a member in full communion notwithstanding the decision of the Church judicatory against him?

Answer—He would according to the principles of the Secession Church.—He would be only suffering injustice. That could not invalidate the rights and the guilt of the injustice would be on the court unjustly excluding him.

Question by Mr. Crary—Is not the right of judging in case of delinquency given to the church judicatory?

Answer—The right of judging uprightly or agreeable to the word of God is given to them, but no other right.

Question by Mr. Crary—Could a Church judicatory, punish for delinquency, or exclude any person from fellowship if a delinquent had the right to remain in defiance of the authority of the Church?

Answer—They could. They have only to judge uprightly, and according to the word of God, and their judgment is valid.

Question by Mr. Crary—Who has the right to decide, the delinquent or the court?

Answer—If the court goes contrary to the Scripture, the delinquent has a right to judge for himself, concerning the determinations of church judicatories. See page 126th of the declaration and testimony.

Question by Mr. Crary—In every case, when the delinquent should decide against the authority of the church court, must the court submit to the decision of the delinquent?

Answer—I know of no such thing as a delinquent requiring a church court to submit to him; nevertheless it is the duty of a church court to review its proceedings if contrary to Scripture, and correct its erroneous decisions.

Question by Mr. Crary—Would a church judicatory be of any use if it could not rid itself of delinquent members?

Answer—I can't answer such a question as that; it would be a mere case supposed, which could never happen; it is absurd, and I am unable to answer it. There is no doubt that a church court to make itself useful should do right; if that is what is meant by the question. The only way to maintain its authority and be useful is to do justice.

Question by Mr. Crary—How is an individual, affected by the decision of a church court, and who was not present to hear the trial, to determine whether the court has decided right or wrong, is it by the reports or decisions of the court itself or those of the individual so judged?

Answer—I would consider them both, and after getting all the information I could from them and other sources I would decide by the Scriptures and the subordinate standards of the church.

Question by Mr. Crary—Are the decisions of a church court and the opinions of an individual adjudged, to be held of equal authority, by all church members affected by it?

Answer—Neither of them are to be held of any authority whatever further than they agree with the standards of the church.

Question by Mr. Crary—Dr. Bullions was referred by the Synod to the

Cambridge Presbytery, to make repentance and submission. He applied to the Vermont Presbytery, and there made repentance and submission. Was that a performance of the direction of Synod? Mr. Allen, of counsel for Defendants, objects to this question on the following grounds; first, that it assumes to exist facts not proved. Second, calling for evidence which can only be proved by the production of the minutes of the Synod. The examiner over-ruled the objection, and receives and takes down the answer.

Answer—Provided the Synod referred him to the Presbytery of Cambridge, and the Presbytery of Cambridge refused to deal with him, or had cast him out, then, according to the principles of our church, it was right for him to apply to any Presbytery he chose holding the like principles.

Question by Mr. Crary—Do Messrs. Miller, Anderson and A. and D. Gordon belong to the Synod which met in Cambridge in 1841?

Answer—They do not.

Question by Mr. Crary.—Do you know the Complainants in this cause and do any of them belong to that Synod?

Answer—I know some of them, but none of them that I know of belong to it.

Question by Mr. Crary—Do you feel perfectly indifferent between the parties in this suit?

Answer—I have no personal predilections in favor of either of them, but wish that the interest of righteousness and truth may prevail.

Question by Mr. Crary—Is the interest of truth and righteousness in favor of or against Dr. Bullions?

Answer—So far as my knowledge goes, the principles and discipline of the Associate Church are held by him and the Defendants in this cause.

Question by Mr. Crary—Do you know that Dr. Bullions and Mr. Anderson are opposed to each other in this controversy?

Answer—I have known Mr. Anderson always talking against Dr. Bullions when he said any thing about him, but what his internal feeling may be I cannot say.

Question by Mr. Crary—In this controversy have you any choice as to who succeeds?

Answer—None, except as I have stated that the one in the right should prevail.

Question by Mr. Crary—Is there more than one body which claims to be the Presbytery of Albany? This question is objected to by Mr. Allen of counsel for Defendants on the grounds that it is altogether immaterial and irrelevant. Which objection is over-ruled by the examiner and the evidence received.

Answer—There was more than one such body but whether there is now or not I cannot state.

Question by Mr. Crary—At what time did they exist?

Answer—As far as I know, about the year 1838. This was the first I knew of it.

Question by Mr. Crary—Did these two bodies which you have stated as existing in 1838, make reports to the Synod which met in Philadelphia, in May, of that year, and did each claim to be the Presbytery of Albany? This question is objected to by Mr. Allen, of counsel for Defendants, on the grounds that it is irrelevant and immaterial; which objection is over-ruled by the Examiner, and the evidence received.

Answer—I cannot state as to their making reports, but each body at that meeting of Synod, claimed to be the Presbytery of Albany.

Question by Mr. Crary—Did you belong to one of these bodies at that time?

Answer—I did.

Were the members of the body to which you belonged, suspended by Synod from the fellowship of the Church and the exercise of their offices as ministers, till they repent? This question is objected to by Mr. Allen, of counsel for Defendants, on same grounds as before, and that the minutes of the Presbytery are the best evidence. The Examiner over-rules the objection and receives the testimony.

Answer—I was not present, but I heard that we were suspended, substantially, for maintaining that six was a greater number than three; that is, that the Synod decided that the three members that retired were the Presbytery and that the six members who remained in session doing the business were not the Presbytery.

Question by Mr. Crary—Did Synod refuse to acknowledge the body of which you were a member, to be the Presbytery of Albany?

Answer—They did so, as stated above, and contrary to all the rules of discipline in that or any other Presbyterian Church.

Question by Mr. Crary—Do the ministerial members of this body thus rejected form a Presbytery in the Synod stated by you to have met in Cambridge last year and this?

Answer—They are the ministerial members of the Presbytery of Albany and belong to the Associate Synod of North America, which met at Cambridge.

The cross-examination thus far having been read to the witness he corrects the first part of it relative to the ministerial members of Synod which met at Cambridge, 1841, as follows: Where it is stated that “the one I belonged to was unjustly excluded” it should read “the ministerial members belonging to that Synod were unjustly excluded by the Synod which met in Philadelphia.”

Mr. Allen, of counsel for Defendants makes a general objection to the whole of the cross-examination of this witness on the ground that it is irrelevant and immaterial; which objection it was understood by the parties should have the same effect as if made particularly to each question, and by the examiner over-ruled.

ANDREW STARK.

Sworn, cross-examined and subscribed,
ed, this 15th day of Sept., in the }
year 1842, before me,

JAMES GIBSON, *Examiner in Chancery.*



IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }

vs.

ALEXANDER BULLIONS, *et al.* }

Re-examination of REV. ANDREW STARK.

The Rev. Andrew Stark, a witness produced on the part of the Defendants in the above entitled cause, sworn by the Examiner and examined by Mr. Allen, of counsel for the Defendants, and thereupon cross-examined by Mr. Crary of counsel for the Complainants, being now re-examined by Mr. Allen, deposeth as follows, viz:

Question by Mr. Allen—According to the principles of the Associate Church

is the Synod which met in Cambridge, Washington County, in 1841, the Associate Synod of North America, and were those which met there justified in claiming it such, according to the principles of the Associate Church?

Answer—Yes; the following is the principle of the Associate Church. When a majority of the office bearers of the Church do obstinately carry on a course of defection from reformation principles once attained unto, the minority in the case, though very few in number, have divine right and warrant to exercise the keys of government and discipline in a distinct capacity from them. Gib's display, asserts this as well as Wilson's defence of the reformation principles of the Church of Scotland. The words of the above are quoted from the letter—see Gib's display, second volume, page 68, also pages 76, 77, 8 and 9 of the same work. I quote the example of the Associate Presbytery of Pennsylvania in these words: "When a minority of that Presbytery declared and protested on good grounds that the powers of the true Associate Presbytery of Pennsylvania were vested only in them, although the majority of the Associate Presbytery of Pennsylvania, including the moderator, had joined in the union of 1872; which deed of the minority of the Presbytery lies at the foundation of the Associate Church in this country." See narrative.

Question by Mr. Allen—Has the Associate Synod of North America, which met at Cambridge, departed in any respect from the rules, faith or discipline of the Associate Church?

Answer—Certainly not; they declare that they adhere to all the principles, set forth in the standards of the Associate Church.

ANDREW STARK,

Sworn, re-examined and subscribed,
this 15th day of Sept. in the }
the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. }
ALEXANDER BULLIONS, *et al.* }

Farther cross-examination of Rev.
ANDREW STARK.

The Rev. Andrew Stark, a witness, produced on the part of the Defendants in the above entitled cause, and sworn by the Examiner, and examined by Mr. Allen, of counsel for Defendants, cross-examined by Mr. Crary, of counsel for Complainants, afterwards re-examined, being now further cross-examined, deposeth as follows, viz.:

Question by Mr. Crary—Does it appear on pages 44th, 45th and 46th, of Exhibit E, on part of Complainants, that the Presbytery of which Messrs. Marshall and Clarkson were the ministerial members, was connected with and in subordination to the Associate Synod, and did they make an appeal to that Synod?

Answer—It is so stated on those pages.

Question by Mr. Crary—What was the decision thereon?

Answer—It is stated that the account of their conduct was laid before Synod,

and unanimously agreed to on this ground, that the circumstance of the majority of any church court, deserting their profession, does not destroy the power of the rest.

ANDREW STARK.

Sworn, cross-examined and sub-
scribed this 15th day of Sept.
in the year 1842, before me. }

JAMES GIBSON, *Examiner in Chancery*.

I certify that I have examined and compared the foregoing with the original deposition of the Rev. Andrew Stark, and that the same is a true copy thereof.

JAS. GIBSON, *Examiner in Chancery*.

IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al*,

vs.

ALEXANDER BULLIONS, *et al*.

} Deposition of Rev. ARCHIBALD WHYTE, Sen.

Deposition of the Reverend Archibald Whyte, senior, a witness produced on the part of the Defendants, and sworn and examined in a certain cause, now pending in the Court of Chancery of the State of New-York, before the Chancellor of said State, wherein William Stevenson, William McGeoch, Edward Small, John McArthur, James McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, members of the church in full communion, known as the Associate Congregation of Cambridge of the County of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Complainants, and Alexander Bullions, James Shiland, Robert McLelland, Peter Hill, Trustees of the Associate Congregation of Cambridge of the County of Washington, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Defendants, on the part of the Defendants, before Jas. Gibson, one of the Examiners in Chancery in and for the County of Washington, at Union Hall, in the village of Salem, in said county, commencing on the 15th day of Sept., in the year 1842, and proceeding *de die in diem*, as follows, viz :

I reside in the town of Argyle, in the county of Washington ; I am eighty seven years of age, and am a minister of the gospel of the Associate Church, and I have been such about 53 years. I have been a minister in America, all that time, except about one year previous to my being ordained ; I was a member of the Associate Presbytery of Cambridge, in the year 1837. I was present at a *pro re nata* meeting of that Presbytery in Cambridge in November, 1837. I was excluded from a seat in Presbytery at that meeting ; there were others excluded at the same time, viz : Messrs. Goodwillie and Pringle. I reckon I was not legally exeluded from my seat at that time according to the rules and discipline of the Associate Church. They alleged I was partial but there was no witness of it. [I thought it was not according to the rules and discipline of the church to exclude me from my seat without any proof of the truth of the charges against me or examining witnesses to sustain them.—

Messrs. Goodwillie and Pringle were first excluded; they were included in one resolution; there was no investigation or witness sworn to prove the charges against them. I never heard of such a thing as including two persons charged with offences, in one resolution. I thought it was not according to the rules and discipline of the church so to do.

I have been acquainted with Dr. B. for many years, and since the year 1807. I have, since that time, had frequent and familiar intercourse with him. I believe he has been a very useful and diligent pastor in his Congregation, in visiting the sick, and faithfully performing the other duties of his charge. So far as I have heard him preach he has adhered to the doctrines, principles and practice of the Associate Church. I have heard him preach frequently. I had attended one meeting of Presbytery some considerable time previous to the meeting in November, 1837. I had not attended the Presbytery often, as I could not hear distinctly what was said. I attended a number of the meetings of Presbytery between the years 1828 and 1837. The Presbytery of Cambridge during those years, insisted too much on frivolous and trifling matters, against Dr. Bullions. Their conduct towards him did not appear to me to be scriptural or christian, there was too much animosity against him. I have been acquainted with the Congregation of Cambridge since the year 1788. It was organized in 1785. The document now shown to the witness, and proved by him to be in the hand writing of the Rev. Thomas Beveridge. This document is the original minute of the organization of that Congregation, by which it appears that it was organized on the 13th of August, 1785. That Congregation have from the time of their organization up to the present time, continued to adhere to the principles of that Church. I was present when the Rev. David G. Bullions was ordained and installed as the colleague and successor of his father, the Rev. Dr. Bullions. He was ordained and installed according to the doctrines and principles of the Associate Church. And took the usual ordination vows required by the formula of that Church.

ARCH. WHYTE.

Sworn, examined and subscribed, }
this 15th day of September, in }
the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*

Mr. Crary of Counsel for Complainants objects to the whole of the direct examination of this witness, and especially to the last two answers, as not at all relevant to the case.



IN CHANCERY,
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs. } Cross-deposition of Rev. ARCH'D. WHYTE, Senr.
ALEXANDER BULLIONS, *et al.* }

The Rev. Archibald Whyte, senr. a witness produced on the part of the Defendants in this cause, and examined by Mr. Allen, of counsel for Defendants, being now examined by Mr. Crary, of counsel for said Complainants, deposeth as follows, viz:—I have never been a settled minister over any Congregation.

Question—Do you belong to the Synod which met in Cambridge in 1841?

Answer—I do. I opened that meeting of Synod with prayer. It was the first meeting of that Synod in 1841.

Question—Was this the first meeting that that Synod ever had?

Answer—I believe it was.

Question—Was the ministerial part of this Synod composed chiefly of suspended and deposed ministers?

Answer—The most part of them I expect were.

Question—Had all those ministers composing this Synod, formerly belonged to the Associate Synod of North America?

Answer—I believe they had.

Question—Has the Associate Synod of North America departed from their original principles professed in their standard?

Answer—I look upon it that they have departed from the discipline of the church.

Question—In what respect have they departed?

Answer—In the manner of their proceeding in censuring members.

Question—Particularise the manner.

Answer—It has been generally pointed out in public writings;—in their hasty manner of proceedings. It would be difficult to mention all the instances; memory does not serve me.

Question—Mention one instance of departure from the original principles of that church?

Answer—I mention the hasty manner of their suspending the Rev. Mr. Stalker. They begun and ended the matter at the same sedement in which they took it up. It may have been in Hebron, or possibly Salem, I cannot well tell.

Question—Did Mr. Stalker appeal from this decision of Presbytery to Synod?

Answer—I cannot tell as to that—he submitted I believe.

Question—Do you know of any departure of the Associate Synod of North America from the standards of the Church?

Answer—What respects the affairs that were carried from here to Synod and they confirming what the Presbytery did. I have not attended any meeting of Synod.

Question—Do you intend to infer from Synod having confirmed these decisions, that they have departed from their standards?

Answer—I do.

Question—Will you make it plain how and in what manner Synod has departed from their standards?

Answer—When Presbytery's proceedings were irregular and Synod confirmed those proceedings, they certainly participated in the acts of Presbytery?

Question—Is this the only instance of Synod's departure, that you know of?

Answer—There was at the *pro re nata* meeting. Synod's and Presbytery's decisions are connected. At the *pro re nata* meeting I was objected to as partial. No proof of that was had. There was mention had, that I only attended when Dr. B's case came on. I was appointed to preach at Cambridge, by Presbytery. I attended there and preached, and also attended Presbytery, and that was no instance of partiality. Synod confirmed these decisions of Presbytery and thereby participated in the wrong.

Question—Has Dr. B. frequently urged you to attend the meetings of Presbytery, when he was under trial? Mr. Allen of counsel for Defendants, objects to this question on the ground, that it is irrelevant and immaterial and improper. Which objection is over-ruled by the Examiner and the answer taken down.

Answer—Never that I recollect of.

Question—Did Mr. Bullions send his team to bring you to the *pro re nata* meeting? Mr. Allen of counsel for Defendants objects to this question on the grounds that it is immaterial and irrelevant. The objected is over-ruled by the Examiner and the answer taken down.

Answer—I dont recollect. I went down the Sabbath before the meeting. I dont remember how I went.

Question—Did you attend any of the meetings of Presbytery, since the year 1828, except when Dr. B. was on trial?

Answer—Yes. I did attend several meetings after that.

Question—Did you object, or protest and appeal against your exclusion at the *pro re nata* meeting? Mr. Allen of counsel for Defendants objects to this question on the grounds that it is irrelevant and immaterial. The Examiner over-rules the objection and receives the testimony.

Answer—I did not appeal because I was not able to attend to Synod, the court was to sit over the mountains at that time, and it was needless to appeal as I could not attend.

Question—Is it agreeable to the Discipline of the Associate Church, when two are chargeable with the same offence or objection, for one to be allowed to vote in the other's case?

Answer—I never heard of an instance of it. I never saw such a resolution, there may be peculiarities different in each one's case. They should be taken in two resolutions.

Question—If they had been put in two resolutions, would it have been lawful for each to vote in the other's case?

Answer—Yes, if there were circumstantial differences between them. I dont see any objection there could be had to taking them separately. You could not say they were exactly similar in all circumstances. The court could not know whether they were similar, or not, till there was a trial, and the one was taken up. There could scarcely ever be a case of perfect similarity. They could seldom be conjointly engaged in the same wrong. Mr. Goodwillie had been a connection of Dr. B. but the bond of connection had been divided. It was not so with Mr. Pringle. Whatever might be said of Mr. Pringle he certainly was not in my view in the same situation with Mr. Goodwillie.

Question—According to scripture, is the bond of connection between brothers-in-law severed by death?

Answer—I certainly think so.

Question—Do you intend to be understood that Synod have only departed from their principles by their confirming the deeds brought before them from the Presbytery of Cambridge?

Answer—I cannot say as to other proceedings, I have not attended Synod in some time. In confirming the deeds of inferior courts they certainly were partakers.

Question—Did you attend the meeting of the Presbytery of Vermont, at the time that Presbytery restored Dr. B?

Answer—I did.

Question—According to the principles of the Associate Church, has one Presbytery jurisdiction over the members of another?

Answer—No, I think they have not.

Question—Do you know from having seen the minutes of Synod of 1838, or otherwise, that Dr. B. was referred back to the Presbytery of Cambridge for further dealing?

Answer—I dont recollect whether I have seen the minutes of Synod or not. Exhibit B, on part of Complainants, is now shown to the witness, and he now

says that from the minutes in that Exhibit, it appears he was so referred back.

Question—According to this decision of Synod, was he still under the jurisdiction of the Presbytery of Cambridge?

Answer—He was deposed; his sentence confirmed, and I think he was at liberty to dispose of himself as he saw fit.

Question—Is deposition the highest censure in the Church, when accompanied with the lesser sentence of excommunication?

Answer—I don't know. I am somewhat doubtful whether there are two sorts of excommunication. Dr. Owen says there is but one.

Question—According to the principles of the Associate Church, is there two, a greater and a less?

Answer—Yes.

Question—Is a man still, according to the principles of the Associate Church, under its care, although under the lesser sentence of excommunication?

Answer—If a man is deposed and sees no way of an equitable dealing with him he may withdraw himself.

Complainants objects to this answer as not responsive to the question.

Question—According to the principles of the Associate Church, do they hold any under censure by the lesser sentence of excommunication, as still under a course of discipline, until the higher sentence of excommunication is inflicted upon them?

Answer—I think the Synod was wrong in referring a case carried from this Presbytery by the parties, and Dr. B. could expect no equitable dealings, and he was justified in withdrawing himself.

Objected to as not responsive to the question by Complainants.

Question—I ask you respecting the principles of the Church without reference to any particular case, whether an individual under the lesser sentence of excommunication is not still considered a member under censure, and is he still accountable to the Church for further dealings? Mr. Allen of counsel for Defendants objects to this question on the ground that it is irrelevant and immaterial, and as once in substance asked and answered. Which objection is over-ruled by the examiner and the answer taken down.

Answer—He may in certain respects be considered as under them, but under particular circumstances, where he sees he can have no justice or equity, he may disobey and withdraw in a particular instance.

Question—You say you were present at the meeting of the Presbytery of Vermont when Dr. Bullions was restored, did he confess his sin and submit to a rebuke? Mr. Allen of counsel for Defendants objects to this question on the ground that the minutes are the best evidence, and should be produced. The Complainants offer to produce the report of the Presbytery of Vermont, as specified on page 18 of Exhibit A, on part of Complainants, to the Synod, which contains a statement of what was done by the Presbytery in relation to the case of Dr. B., which is the only extract from the minutes in the possession of Complainants, or to which they have access, and they now ask for parole evidence to prove what is asked in the question. The examiner overrules the objection of Mr. Allen and the offer of Complainants, and takes the answer down.

Answer—There was read at the Presbytery certain articles of impeachment. They were read by Presbytery to Dr. Bullions, and there was a number of them that were not thought relevant of censure. There was one or two which the Presbytery thought, if true, were relevant of censure, and he owned and confessed them, and was rebuked I think.

Question—Did this deed of the Presbytery of Vermont, restore Dr. Bullions

to the fellowship of the Associate Church, or only to fellowship with that Presbytery ?

Answer—It was to be a member of that Presbytery he petitioned for, and a member of the Church. He petitioned to be received into that Presbytery as a member. That Presbytery had fellowship with the Synod.

This answer is objected to as not responsive to the question.

Question—Was this deed of the Presbytery of Vermont restoring Dr. Bullions in accordance with the principles of the Associate Church ?

Answer—I dont know as I could give any answer to that. The Synod, it seems, were dissatisfied with it, and whether right or wrong I shall not say.

Question—Did you ever hear, or read of an example of that kind before ?

Answer—I would give an instance of that kind in the case of one McMillan, in the Presbyterian Church.

Question—Is there one in the Associate Church ?

Answer—I know of no such instance in the Associate Church.

Question—Did you act as a member of the Presbytery of Vermont on the occasion when Dr. Bullions was restored ?

Answer—I was received as a correspondent member, but took little part in the matter.

Question—Do you recollect how long it is since you attended a meeting of the Associate Synod of North America ?

Answer—I think it was in the year 1824 or 1825, at Philadelphia. It was at the time Dr. Bullions was in Canada.

ARCH. WHYTE.

Sworn, cross-examined and sub-
scribed, this 16th day of Sept., }
in the year 1842, before me, }

JAMES GIBSON, *Examiner in Chancery.*



EXHIBITS

IN THIS CAUSE, PRODUCED ON THE PART OF THE COMPLAIN-
ANTS, AND MARKED BY THE EXAMINER,

JAMES GIBSON, ESQ.



“EXHIBIT A.”

“Printed minutes of the Synod of North America, for the year 1839.” (Proved, fol. 5 of the deposition of Thomas Goodwillie.)

“EXHIBIT B.”

“Printed minutes of Synod of North America, for the year 1838.” (Proved, fol. 63 of the deposition of Rev. Jno. G. Smart.)

“EXHIBIT C.”

“Collections and observations methodized by Steuart of “Perdivan,” “Abroath Edition,” “1802.” (Proved, fol. 67 of the deposition of Rev. John G. Smart.) In the testimony this book is commonly referred to by calling it “Perdivan” or “Perdivan’s Collections,” or “Steuart’s Collections.”

"EXHIBIT D."

"Printed minutes of the Synod of North America, for the year 1840." (Proved, fol. 97 of the deposition of Rev. John G. Smart.)

"EXHIBIT E."

"The declaration and testimony, fifth edition, Albany, printed by Webster and Wood, 1828." (Proved, fol. 111 of the deposition of John G. Smart.) This book is commonly referred to in the depositions by calling it the "Testimony."

"EXHIBIT F."

"Gib's Display of the rise of the Secession Church." (Proved, fol. 122 of the deposition of John G. Smart.)

"EXHIBIT G."

"The Westminster confession of faith." (Proved, fol. 123 of the deposition of Rev. Jno. G. Smart.)

"EXHIBIT H."

"Anonymous letter," addressed to "Rev. A. Gordon, James P. Milliar* and D. Gordon." (Proved, fol. 26 of the deposition of Rev David Gordon) and is as follows:—

"Rev. A. Gordon, James P. Milliar, A. Anderson and D. Gordon.

Gentleman:—I perceive that you have been again, as members of the Associate Pby. of Cambridge, at your old maneuvering and censured your brother Rev. D. Stalker, for stating that a certain member of your Pby. had tampered with two members of the Session of Cambridge, promising aid to them if they would form a party in the congregation against their Pastor; and Dr. Bullions for stating that he had heard and believed said report. Let it be distinctly understood that it was not known when you commenced process against your brethren, who the Elders tampered with were, and that Dr. Bullions stated that he had believed that several members of the Pby. of Cam. had tampered with three if not five of his elders. You have not even shewn that any two elders of the Session of Cam. were not tampered with, for they have not all been examined before you. And notwithstanding your decision against your brethren, I stand now prepared to shew that more than one member of yours Pby. have actually tampered with several members of the Session of Cambridge to turn them against their Pastor, the Rev. Dr. Bullions. In confirmation of this I divide my proofs into two classes Presumptive and Positive.

1st. The presumptive proofs in confirmation of the charge of tampering.

1st A Pby. that will pass a member without censure, after being charged with beastly intoxication, and substantially confessing it, because they needed his services against a Co-presbyter, are altogether capable of tampering themselves against that Co-presbyter. Look into your minutes and you will find without going very far back, a charge of beastly intoxication against one of your members and that member substantially confessing it. And to this hour you have never censured him and for this reason that his services were wanted against Dr. Bullions.

2nd. A minister, who openly slanders a brother by imputing to him actions he never committed, and charges him with Jesuitism will be forward to use all his influence, to turn him out of the Secession Church. But you all know that the Rev. A. Gordon, has charged in the Religious Monitor, Dr. Bullions with Jesuitism and with filling the pews of his meeting house with the

* This word and others following are printed as spelt in the original.

standards of another church, and yet you have never called him to an account.

3rd. A minister who is himself unsound in faith, and given to lying will naturally endeavour to ruin a brother and is perfectly capable of it. But true it is that the Rev. J. P. Millar one of your selves, preached at Hebron in presence of Francis Pringle, Rev. D. Stalker and others assisting at a Sacramental occasion there, "That Christ purchased the love of God." And at North Argyle on a late Sacramental occasion "That Christ makes with sinners in the Lord's supper the covenant." In proof of this you are referred to Rev. D. Stalker, Dr. Bullions and others that heard him. Of lying I give one specimen. He declared before the session of Cambridge and elsewhere, that he came by the authority and appointment of Pby. to preach in Cambridge, when Dr. Bullions was first suspended by Pby. And before Synod and the commissioner he positively denied that he had any such appointment. Proof. The members of Cambridge session, his own letter to them, and the members of the Synod and commission.

4th. A minister must be altogether capable and prone to tamper against a brother who commits the mean and ungentlemanly trick of using a paper against him, put into his hands for a different purpose. But such was the trick of A. Anderson, in reference to a paper put in to his hand of protest against the deeds of the commission.

5th. A minister that charges publicly a brother with being without godly sincerity or christian honesty and guilty of wilful misrepresentation, and afterwards denies having done it, will doubtless use any endeavours to turn such an one out of the Church. But the Rev. D. Gordon did bring the above charge against Dr. Bullions, in a paper read by him in Hebron, before the Associate Pby. of Cam. and afterwards positively denied it. Witnesses Rev. D. Stalker, A. Bullions, and others they can name to you.

2nd. Positive proofs of the above charge.

1st. James Lourie has positively sworn before you, that he regarded himself as tampered with, by one or more members of the Pby of Cambridge,

2nd. John Dobbin Elder, when examined before you, swore that he himself and he believed several others, had been spoken by members of Pby. stating to them that if he and they did not take Dr. Bullion's part, the Pby. would easily manage him, or words to the same amount. Let John Robertson, now a member of your court, examine said Dobbin, and perhaps more will appear to the same purpose.

3rd. John Robertson has positively stated to one or more members of the session of Cambridge, that he did consider himself as tampered with, by a member or members of Cam. Pby. Moreover the said John Robertson, at a meeting of Pby. in Hebron and elsewhere, did state some of you, that if you called him to testify, that his testimony would be black. That he had tried it five times on paper, and that it always came out ill against a member or members of your Pby. And was not this the real reason why you declined taking his testimony?

4th. Moreover Edward Small, another member of the session of Cam. has been and still is regarded as able to furnish additional proof in confirmation of the charge of tampering. Let the above proofs, presumptive and positive be impartially considered and they will warrant the conclusion that after all your management, they confirm the report of tampering, and also so deeply implicate some of you that they require confession or self vindication. Did they lie against either Mr. Stalker, or Dr. Bullions, they would speedily be

called up.

A FRIEND TO IMPARTIALITY"

"N. B. Let Mr. D. Gordon have a reading of the above."

The following are the endorsements on the back of this paper:—

"Franklinville"

"pd 25."

"REV. A. BULLIONS D. D.

Cambridge,

N. Y."

"EXHIBIT I."

"Anonymous letter," addressed to "Rev. A. Gordon, James P. Millar, A. Anderson and D. Gordon." (Proved, fol. 28 of the deposition of Rev. D. Gordon,) and is as follows:—

"Rev. A. Gordon, James P. Millar, A. Anderson and D. Gordon :

Gentlemen—I perceive that you have been again as members of the Associate Pby of Cambridge, at your old maneuvering and censured your brother, Rev. D. Stalker for stating, that a certain member of your Pby had tampered with two members of the Session of Cambridge promising aid to them if they would form a party in the congregation against their pastor, and Dr. Bullions, for stating that he had heard and believed said report. Let it be distinctly understood that it was not known, when you commenced process against your brothern who the elders tampered with were, and that Dr. Bullions stated that he had believed that several members of the Pby of Cambridge had tampered with three if not five of his elders. You have not even shewn that any two elders of the Session of Cambridge were not tampered with, for they have not all been examined before you and notwithstanding your decision against your brothern, I stand now prepared to show that more than one member of your Pby have actually tampered with several members of the session of Cambridge to turn them against their Pastor the Rev. Dr. Bullions. In confirmation of this I divide my proofs into two classes, Presumptive and Positive.

1st. The Presumptive proof in confirmation of the charge of tampering.

1st. A Pby that will pass a member without censure after being charged with beastly intoxication and substantially confessing it, because they needed his services against a co-presbyter are altogether capable of tampering themselves against that co-presbyter. Look into your minutes and you will find without going very far back a charge of beastly intoxication, against one of your members, and that member substantially confessing it, and to this hour you have never censured him, and for this reason that his services were wanted against Dr. Bullions.

2nd. A minister who openly slanders a brother by imputing to him actions he never committed and charges him with Jesuitism will be forward to use all his influence to turn him out of the secession Church. But you know that the Rev. A. Gordon has charged, in the Religious Monitor Dr. Bullions with Jesuitism and with filling the pews of his meeting house, with the standards of another church, and yet you have never called him to an account.

3rd. A minister who himself is unsound in the faith, and given to lying, will naturally endeavor to ruin a brother, and is perfectly capable of it. But true it is that the Rev. J. P. Millar, one of yourselves preached at Hebron, in

"N. 24 March 1838."

presence of Francis Pringle and Rev. D. Stalker and others, assisting at a sacramental occasion there, "that Christ purchased the love of God," and at North Argyle on a late sacramental occasion "that Christ makes with sinners, in the Lord's supper the covenant." In proof of this you are referred to Rev. D. Stalker, Dr. Bullions, and others that heard him. Of lying I give one specimen. He declared before the session of Cambridge and elsewhere, that he came by the authority and appointment of Pby to preach in Cambridge when Dr. Bullions was first suspended by Pby, and before Synod and the commission, he positively denied that he had any such appointment. Proof the members of Cambridge Session. His own letter to them and the minutes of the Synod and commission.

4th. A minister must be altogether capable and prone to tamper against a brother who commits the mean and ungentlemanly trick of using a paper against him, put into his hands for a different purpose. But such was the trick of A. Anderson in reference to a paper put into his hand of protests against the deeds of the commission.

5th. A minister that charges publicly a brother with being without Godly sincerity and christian homesty and guilty of wilful misrepresentation, and afterwards denies having done it, will doubtless use any endeavours to turn such an one out of the church. But the Rev. D. Gordon did bring the above charge against Dr. Bullions in a paper read by him in Hebron, before the Associate Pby of Cambridge and afterwards positively denied it. Witnesses, D. Stalker, A. Bullions and others they can name to you.

2d. Positive proofs of the above charge.

1st. James Lourie has positively sworn before you that he regarded himself as tampered with by one or more members of the Pby of Cambridge.

2nd. John Dobbin, Elder, when examined before you, swore that he himself and he believed several others had been spoken to by members of Pby, stating to them, that if he and they did not take Dr. Bullions' part, the Pby would easily manage him or words to the same amount. Let John Robertson, now a member of your court, examine said Dobbin and perhaps more will appear to the same purpose.

3d. John Robertson has positively stated to one or more members of the session of Cambridge, that he did consider himself as tampered with by a member or members of Cam. Pby. Moreover the said John Robertson at a meeting of Pby in Hebron and elsewhere did state to some of you, that if you called him to testify, that his testimony would be black. That he had tried it five times on paper and that it always came out ill against a member or members of Pby. And was not this the real reason why you declined taking his testimony?

4th. Moreover Edward Small another member of the session of Cambridge has been and still is regarded as able to furnish additional proof in confirmation of the charge of tampering.

Let the above proofs presumptive and positive be impartially considered, and they will warrant the conclusion, that after all your management, they confirm the report of tampering, and also so deeply implicate some of you, that they require confession or self-vindication. Did they lie against either Rev. D. Stalker or Dr. Bullions, they would speedily be called up.

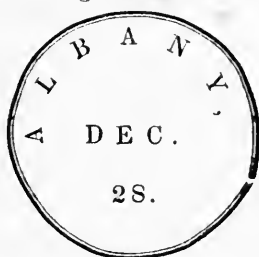
A FRIEND TO IMPARTIALITY.

"N. B. A copy of this will be handed to the Rev. G. Mars that he may know how things are done in Cam. Pby, with a request to communicate it to his brethren. Another will be handed to some Presbyterian in this County, and you are respectfully requested to furnish a copy to your brethren in Pby."

The following are the endorsements on the back this paper.

" 10 "

"Received Jan. 1837.
No. 18, March 1838."



"REV. JAMES P. MILLAR,

South Argyle,

N. Y."

"EXHIBIT K."

"An extract from the minutes of the Presbytery of Cambridge," being the resolutions of Presbytery, on the request by James Lourie, one of the Committee of Cambridge congregation for instructions as to their dealing with Dr. Bullions. (Proved, fol. 73 of the deposition of Rev. D. Gordon," and is as follows:

Extracts from the minutes of Presbytery, Salem, June 27th, 1838.

"Mr. James Lourie, from the committee of the Congregation of Cambridge, requested instructions from Presbytery, with respect to their dealings with Dr. Bullions. In connection with this request these resolutions were proposed, discussed and unanimously were adopted, viz:—

1st. "Resolved, That Dr. Bullions cannot be restored to his former standing with this Presbytery without full submission to the decisions of Presbytery and Synod in his case. 2d. that Presbytery cannot recognise any of the members of Cambridge Congregation, who adhere to Dr. Bullions in his non-submission, as in full communion and good standing with us, or entitled to the privileges of church membership as long as they continue in their present course. 3d. that those of the Associate Congregation of Cambridge, who do not adhere to nor support Dr. Bullions in his non-submission, but who adhere to the Presbytery and Synod in their decisions in his case, be and hereby are recognized as the organized Associate Congregation of Cambridge."

(Signed,)

A. ANDERSON, *Pby. Clk.*

"EXHIBIT L."

An "extract from the minutes of the session of the Associate Congregation of Cambridge." (Proved, fol. 77 of the deposition of Rev. D. Gordon,) and is as follows:—

"Monday, Cambridge, 19 August, 1839.

Pursuant to notice session met, was constituted with prayer by the Rev. A. Anderson, moderator; elders present, Edward Cook, Edward Small, John Robertson, and William McGeoch; read and approved the minutes of last meeting. The committee appointed to deal with adherents to the ministry of Dr. Alex. Bullions reported. In case of Peter Hill that he gave no satisfaction and said that if Dr. Bullions was gone he himself would not be under the Associate Pby of Cambridge. In the case of James T. Green, 1st, that he said that he was determined to attend on the ministry of Dr. Bullions as he found fault with the Pby, and although he found fault with Dr. Bullions, yet he thought his deposition unjust. In case of James Shiland—that he said that he would still attend on the ministry of Dr. Bullions, giving similar reasons with those given by Mr. Green. And much dealing was used with them to convince them of the sinfulness of their course but to no effect apparent. In the case of Robert McClelland—that he said that he did not acknowledge John Rob-

ertson, who was the person dealing with him as an elder under whose care he was, nor the session of which he was a member, and he refused to have conversation with him in that character, in the case of James Coulter, that he answered in substance the same as James T. Green, 1st, and James Shiland as stated above. In the case of John Shiland Jr., that he stated in substance, the same thing as James Shiland. All the above named men claim to be trustees except John Shiland, Jr. It was agreed to make a formal charge against the above, viz: Peter Hill, James T. Green, 1st, James Shiland, Robert McClelland and James Coulter, and cite them to attend and answer to it before session. The charge it was agreed should be as follows, viz: Mr—— You are hereby charged with attending on the ministrations of Dr. Alexander Bullions since his deposition by the Ass. Phy. of Cambridge, and the confirmation of this sentence by the Ass. Synod in which you are guilty of contemning the order and the ordinances of Christ in his Church, countenancing and encouraging Dr. Alex. Bullions in his sin and scism, keeping up a scism in the visible body of Christ, and neglecting the ordinances as dispensed under the care of the Associate Presbytery of Cambridge, according to the rules and order of the Associate Church. Witness to the above charges, are Peter McArthur, James Hoy, James Arnot, John Robertson, Edward Small and William McGeoch. Agreed that Session meet on Sept. 9 at 3 o'clock, P. M. at the house of Edward Cook, and that the above named Peter Hill, James T. Green, 1st, James Shiland, Robert McClelland and James Coulter, be cited there to appear and answer to said charge. William McGeoch was appointed to draw off and serve copies of the charge, with citations. Minutes were read and approved.

Closed with prayer."

"Sept. 9th 1839, session met pursuant to adjournment, at the house of Edward Cook, and was constituted with prayer by the Rev. David Gordon Moderator. Elders present Edward Cook, Edward Small, John Robertson and William McGeoch, read the minutes of former meeting August 19, which after correction was adopted. On enquiry it appeared that the appointment to serve a copy of the charge against the men claiming to be trustees, Peter Hill, James T. Green, 1st, James Shiland, Robert McClelland and James Coulter, had been fulfilled with respect to all of them, accompanied with citations, except James Shiland, as not any of the above named persons have appeared it was agreed that James Shiland be now cited for the first time, and the others for the second time on said charge. Agreed that next meeting be in this place, on the 20th inst., at 3 o'clock, P. M. Closed with prayer."

"At the house of Edward Cook, Sept. 20th, 1839, Session met pursuant to adjournment, constituted with prayer by the Rev. David Gordon, Moderator; Elders present, Edward Cook, Edward Small, John Robertson and William McGeoch, minutes of last meeting now read, corrected and approved. On inquiry it appeared that the citations on the charge against Peter Hill, James T. Green, 1st, James Shiland, Robert McClelland, and James Coulter, had all been duly served according to the agreement at last meeting. As none of the persons cited have yet appeared, it was agreed that James Shiland be now cited for the second time with certification. Agreed that next meeting be in this place. October 1st, at 2 o'clock, P. M., minutes were read and approved.

Closed with prayer."

"House of Edward Cook, Oct. 1st, 1839, Session met pursuant to adjournment and was constituted with prayer by Rev. D. Gordon, Moderator; Members present, William McGeoch, Edward Cook, John Robertson; minutes of last meeting were read and approved. On inquiry it appeared that the citations had all been duly served on the men claiming to be Trustees as had

been appointed. E. Small appeared and took his seat. As none of the persons cited have yet appeared, Session resolved to proceed to issue the cases of those who have been three times cited. The charge was then read and considered as to its relevancy, (see minutes page 20th) it was unanimously judged relevant. It was agreed to take up their cases separately.

Took up the case of Peter Hill; heard the testimony of John Robertson, viz: That "I asked him if he intended to deny his attending on the ministry of Dr. Bullions? he said he did not deny it, he did attend on it. He has not attended with us since Dr. Bullions's deposition, except once when Thos. Goodwillie preached in the brick church on his return from Synod, 1838. I have also repeatedly seen him among the people assembled at the time and place of worship, when and where Dr. Bullions preaches. E. Small testified that he heard the said Peter Hill say if Dr. Bullions were gone, he himself would not be under the Associate Presbytery; he had also repeatedly seen said Peter Hill among those assembled to hear Dr. Bullions on the Sabbath; and he does not attend with us. Moreover, that the said Peter Hill was the mover of the resolution to have Dr. Bullions preach at a meeting held after the Doctor's deposition. It was decided unanimously that the charge is proved.

Took up the case of J. T. Green, 1st; heard the testimony of Wm. McGeoch and John Robertson, who had been a committee to deal with him, viz: That, "he said he was determined to attend on the ministry of Dr. Bullions. John Robertson farther states that he has repeatedly seen him with those meeting to hear Dr. Bullions on the Sabbath, and he does not attend with us. It was unanimously decided that the charge is proved.

Took up the case of James Coulter. Heard the testimony of the committee who were appointed to deal with him, viz:—William McGeoch and John Robertson; that he acknowledged he did attend on Dr. B's ministry and manifested his purpose still to do so. John Robertson further states that he has repeatedly seen him with those assembled to hear Dr. B. on the Sabbath; and he does not attend with us. It was decided unanimously that the charge is proved.

Took up the case of Robert McClellan. Heard the testimony of John Robertson; that said R. Mc. has two or three times acknowledged to me his attending on Dr. B's ministry. I have also repeatedly seen him with those assembled to hear the Dr. on Sabbaths, and he does not attend with us. E. Small testified that said Robert has stated he never could be under the Presb'y; that he has also seen said Robert with those assembled to attend on the Dr's ministry. The Report of the committee on his case, Aug. 19. was read in testimony; it was decided unanimously that the charge is proved. Took into consideration how far these men are guilty of contumacy. It was unanimously decided that they are morally guilty of contumacy in their not attending on session according to the citations given, and in their neglect to send any excuse for their absence. And in the cases of Peter Hill, James Coulter and Robert McClelland, in their disowning the authority of session, and the committee sent to deal with them. It was therefore unanimously resolved that they and each of them, viz: P. Hill, Jas. T. Green, 1st, James Coulter and Robert McClelland, be and they hereby are suspended from the communion of the church till they give evidence of repentance and return to their duty.

Agreed to meet next in this place on Monday the 7th inst. at 2 o'clock P. M.

It was unanimously agreed to cite James Shiland, for the third time with certification, that if he do not appear at the next meeting, Session will proceed in his absence. Minutes were read and approved. Closed with prayer.

House of Edward Cook, Oct. 7. 1839. Session met and was constituted with

prayer by Rev. D. Gordon, moderator. All the members present. Minutes of last meeting were read and approved. On inquiry it appeared that James Shiland had been duly cited as had been appointed. He not having yet appeared, Session resolved now to proceed to issue his case. The charge was read and having been unanimously decided relevant, took the testimony of Peter McArthur, (See testimony.) viz; that he has repeatedly seen James Shiland with those assembling on the Sabbath at the brick church to hear Dr. B. also entering the church and also coming out of it, and that he has never attended the Associate Cong. of Cambridge any time that he (Peter) has been present.

PETER McARTHUR.

James Arnot testifies substantially the same as Peter McArthur, and further that in conversation James Shiland has justified to him the course of Dr. B. and his own conduct in attending his ministry.

JAMES ARNOTT.

James Hoy testifies, that he has more than once seen James Shiland with those assembling for public worship under the ministry of Dr. B. That he James Hoy, has been present in the Associate Cong. of Cambridge every time they have met for worship since Dr. B's deposition and he has never seen James Shiland there.

JAMES HOY.

The report of the committee Aug. 19, was read in evidence Oct. 7, 1839.

It was unanimously decided that the charge is proved. Session farther judged that he is guilty of contumacy in his neglecting all their citations and in sending no excuse for his non attendance, it was therefore unanimously resolved that he be suspended from the fellowship of the Church, till he give evidence of repentance and return to his duty, and he is hereby suspended. It was unanimously resolved that public notice be given of session's decision in the cases of all the men claiming to be trustees, on the first Sabbath that there is supply of preaching.

The following preamble and resolutions were adopted, viz: Although this session do consider that by the decision of the Associate Presbytery of Cambridge bearing date Salem June 27th, 1838, and by a deed of this session July 31st 1838, acquiescing in said deed of the Presbytery and moreover striking off from their communicant roll the names effected by said deeds. All who claiming to belong to the Associate Cong. of Cambridge, do adhere to Dr. A. Bullions in his non-submission to Pby. and Synod, were suspended from the communion of the Associate Church. Yet to be more explicit and more expressly agreeable to the rules of the church, therefore, Resolved, that according to a deed of the Associate Pby. of Cambridge, June 27th, 1838, all the former members of the Associate Congregation of Cambridge, and all who now claim to be members, who adhere to Dr. A. Bullions in his disobedience to Pby. and Synod, are hereby suspended from the communion of the Associate Church till they have a trial of their case individually.

And that the following persons with all others, formerly members of the Associate Congregation of Cambridge, or now claiming to be members who are adhering to Dr. A. Bullions in his non-submission to Pby. and Synod are on *fama clamosa* and on account of direct evidence accordingly suspended, viz:—

Mrs. Mary Bullions, Alexander McDowell, Isabella McDowell, William McMorris, Nancy Archer, James Stevenson, jr., Christopher Willson, Miss Patty Willson, Mrs. Sarah Warner, William McAuley, Mary Santos, Elis McDoual,

Jane McDoual, Mrs. Jane Adams, Mrs. Abigal Green, Mrs. Gennet Lowrie, Mary Lowrie, Mrs. Jane Shiland, Mrs. Ann Alexander, Mrs. Eliza McClellan, James Coulter, 2d, Mrs. Nancy Coulter, George W. Maxwell, Mrs. Margaret Maxwell, John Wright, John Wright, jr., Daniel McFarlin, Miss Jane McFarland, Duncan Ferguson, Miss Mary Ferguson, Miss Peggy Coulter, Miss Betsey Tilford, Betsey Tilford, Mrs. Jannet Maxwell, Mrs. Elizabeth Maxwell, Ann J. Maxwell, Old Walter Maxwell, Old John McFarland, Mrs. Elcy McFarland, William McFarland, Margaret McFarland, Thos. McLean, Mrs. Rachel McLean, Mary McLean, John Perine, Mrs. Mary Perine, William Green, Mrs. Jannet Green, Thomas I. Green, Mrs. Sarah Green, Robert Green, Mrs. Margaret Green, Samuel Grahams, Nancy Grahams, Hannah Grahams, Margaret Grahams, Jane Grahams, Thomas Grahams, Mrs. Elizabeth Grahams, Mrs. Sarah McDoual, Samuel McDoual, James Woods, Mrs. Ann Woods, Nancey Cackeye, William Stewart, Mrs. Sarah Stewart, Charles Clark, Mrs. Bershaba Clark, Mrs. Elizabeth Clark, James T. Green, 2d, Mrs. Ann S. Green, Mrs. Hannah S. Green, Mrs. Nancy Hill, Mrs. Charity Hill, Mrs. Martha McLean, Mrs. Ann Ketchum, Esther Frasier, Mrs. Peggy Green, Mrs. Eleanor Gilmore, Robert Doeg, Mrs. Hannah Doeg, Peter Walsh, Mrs. Almira Walsh, John Shiland, jr., Mrs. Mary Shiland, Mrs. Elizabeth Shiland, Thomas Shiland, Mrs. Eliza Shiland, David Shiland, Mrs. Eliza Shiland, Ann Shiland, Mrs. Mary Larmoth, Mrs. Nancy Skimerhorn, Andrew Skellie, Mrs. Jane Skellie, Thos. Skellie, Mrs. Jannet Skellie, Old John Skellie, Mrs. Hannah Skellie, Jane Skellie, David Robertson, William Shiland, Mrs. Mary Shiland, Mrs. Margaret Edie, Mary Edie and Ann Edie, Margaret Edie, Jannet Santos, John L. Esman, Mrs. Eliza Esman, Mary P. Robertson, Mrs. Isabella Mitchell, Joseph Archer, Mrs. Martha Archer, George W. Robertson, Mrs. Betsey Robertson, George Robertson, Mrs. Nancy Robertson, Mrs. Ann Mayhugh, Old John Grahams, Mrs. Sarah Grahams, Mrs. Jannet Grey, Samuel Thompson, Mrs. Margaret Thompson, Mary Thompson, Mrs. Mary Billings, Mrs. Elizabeth Robertson, Mrs. Jane Robertson, Mrs. Christian McLellan, Mrs. Mary Hyde, Francis Tilford and wife Phebe, Robert Miller, Mrs. Eliza Miller, Mrs. Jane Coulter, James Coulter, jr., Eleanor Coulter, Maria Coulter, Mrs. Catharine Coulter, Elizabeth Archer, Mrs. Margaret Skinner, Mrs. Rachel McLellan, Mary Arimage, Margaret Armitage, Mrs. Sarah McLellan, William McLellan, Jannet McLellan, Ann McLellan, Mrs. Phebe McGeoch, William Shipherd, Mrs. Margaret Shipherd, John Jamison, Old Margaret Archer, John Wickes and wife, black.—154 in number.

Notice of suspension of the men claiming to be the trustees who adhere to Dr. A. Bullions.

Notice is hereby given that Peter Hill, James T. Green 1st, James Shiland, Robert McLellan and James Coulter, having been proved guilty of attending on Dr. Bullion's ministry in his disorderly course and of neglecting public ordinances in this congregation of which they were members and also of contumacy in their disregarding the citations given them to appear and answer before session to these charges have been suspended from the communion of the church till they give evidence of repentance and return to their duty. By order of

D. GORDON, *Moderator*.
WM. M'GEOCH, *Clerk*.

Cambridge, Oct. 7, 1839."

"EXHIBIT M."

"The first declinature of Dr. Bullions." (Proved, fol. 32 of Rev. A. Anderson's deposition,) and is as follows:—

"The subscriber while fully satisfied that whatever a lawful court of Christ

binds on earth is bound in heaven, and ought to be submitted to, is equally satisfied that its acts when subversive of truth and of the order and discipline and peace of the church are null and void; and that submission to them is immoral and of dangerous tendency. Persuaded that of the latter description are certain acts passed by the minority of the ministerial members of the Presbytery of Cambridge, at Argyle, Cambridge and Salem, in October, November and December last, respecting himself, such as voting him censurable and suspending him from the exercise of the ministry, and the communion of the church, the subscriber renews his protests against said acts as unpresbyterial and unconstitutional, and declines all submission, not to the Associate Presbytery of Cambridge, but to the minority claiming to be that Presbytery and appeals from them to the Associate Synod of North America to meet at Philadelphia in May, 1838; and among other reasons for this declinature he assigns the following:—

1st. That the said minority claiming to be the Associate Presbytery of Cambridge acted unconstitutionally in proceeding to censure the undersigned, after his protest and appeal had been given in and admitted against the correctness of their minute recording certain expressions imputed to him, and voted censurable. According to all the books of presbyterial discipline a protest and appeal taken from the deed of and inferior to a superior court sists all further procedure in the premises till that appeal is decided; but in opposition to this the party claiming to be the Presbytery of Cambridge, proceeded after the protest and appeal against the correctness of their minutes had been taken and admitted to inflict censure on him. This of course rendered this and all their subsequent deeds in his case invalid; and so they ought not to be submitted to. If it be pretended that the refusal of his first protest altered the case, suffice it to remark that the procedure of rejecting a first protest, and admitting a protest against that rejection is a measure that savors of litigiousness, and is hardly practically known but in the Associate Church, and no more justifies a court in proceeding farther after the rejection of the first protest, than on its admission. Both measures equally arrest procedure, and bring up the whole matter before the superior judicatory. And this unconstitutional deed is aggravated by several connected circumstances which ought to be adverted to in order to form a correct estimate of it. Let it be noticed that the expression imputed to the undersigned and voted censurable, are that “Dr. Bullions insinuated that some member or members present were not fit to sit in any court, and that they might censure him till they were tired.” Now what is the evidence that he ever used these expressions, especially the first? The minute does not affirm that he asserted this but insinuated it; which implies that these were not his words. The subscriber would further state that his impression is that certain members of court have admitted that these were not his words and he presumes that no two members of court will affirm under oath that they are his identical words. Farther, a dissent is admitted against the correctness of the minutes, and when testimony was offered to prove that the language, especially the first expression imputed to him, was not his language, it was refused. Moreover the subscriber has in a paper given in to court, solemnly declared that the language, especially the first expression imputed to him does not convey his meaning—that he regards it as improper and disclaims it. Granting that the alleged expression had been actually used, ought not this disavowal have been satisfactory to every christian and honorable man? It seems rather hard for a speaker to have a construction put upon his language when he disavows both the language and the meaning put upon it, and is made responsible for the meaning that others attach to it.

2nd. The party claiming to be the court, besides its unconstitutional deeds became so mutilated by the unjust exclusion of a majority of the ministerial members of the associate Presbytery of Cambridge from their seats and voting in his case, that the undersigned cannot acknowledge the fragment that remained as that Presbytery. The minutes attest that the Rev. Messrs. Whyte, Stalker, Goodwillie and Pringle were all refused a seat and a vote in his case. In confirmation of this he appeals to their minutes and requires their production at the ensuing meeting of Synod. The community would never tolerate a minority in a civil court after silencing a majority of its constitutional members to discharge all the functions of that court, and far less ought a minority to be submitted to in an ecclesiastical court after unjustly depriving a majority of their constitutional members of their just rights. For these and other reasons which may be given in, in due time the undersigned renews and continues all his former protests against and appeals from the above enumerated deeds of the minority of the ministerial members of the Presbytery of Cambridge claiming to be that Presbytery and acting as such; and declines their assured authority and holds all their past acts in his case as null and void; and will hold null and void all future acts they may pass affecting his ministerial standing, interfering with his labors or intruding on his privileges, and appeals to the Associate Synod of North America to meet at Philadelphia May, 1838. Cambridge,—6, 1838.

ALEX. BULLIONS."

N. B. The name of the month I cannot make out from the original."

"EXHIBIT N."

"The second declinature of Dr. Bullions." (Proved, fol. 35 of Rev. A. Anderson's deposition) and is as follows:—

"Cambridge, April 2d, 1838.

Dear Brother,—I have received your citation to attend a meeting of the Associate Presbytery of Cambridge to meet at Argyle on the 2nd Tuesday inst., to appear on a new trial before them. Though cherishing I trust all due respect for Church courts, permit me to state to you that I decline complying with the citation for the following reasons.

1st. That I regard it as irregular and unpresbyterian to commence a new process against any while former process is in dependence, this is the case at least in civil courts on criminal trials when they proceed civilly and we have an instance in another Presbytery at present of a member refused his seat (as I understood) on the alleged ground that however he conducted he could not be prosecuted because already under process.

2nd. I have declined submission to the minority of ministerial members claiming to be the Presbytery of Cambridge and acting as such, and appealed the case to Synod and therefore cannot consistently attend where this minority constitutes the court. These reasons I hope will prove satisfactory in justifying me in respectfully declining present attendance till the declinature taken is decided, and which is hereby renewed.

Respectfully yours,

ALEX. BULLIONS."

"EXHIBIT O."

"A narrative of the proceedings of the Associate Presbytery of Cambridge, which issued in the deposition of the Rev. A. Bullions, D. D.—Albany—printed by Hoffman & White—1838." (Proved, fol. 81, of the Rev. A. Anderson's deposition.

"EXHIBIT P."

"Minutes of the Session of the Congregation of Cambridge, shewing the excommunication of the elders adhering to Dr. Bullions." (Proved, fol. 89 of the Rev. A. Anderson's deposition, and is as follows:—

"Jackson, Nov. 26, 1838.

Session met at the house of William McGeoch and was constituted with prayer by the Rev. Abram Anderson, moderator. Elders present, Edward Small, John Robertson and William McGeoch; the following preamble and resolutions were proposed considered and adopted, viz: Whereas some of the former members of the Ass. Session of Cambridge, viz: John McClellan, John Shiland, George Lourie, James Lourie and George I. Maxwell have as is believed attended on the ministrations of Dr. Alex. Bullions since his deposition by the Ass. Pby. of Cambridge, and the confirmation of the said sentence by the Ass. Synod of N. America and thereby are contemning the ordinances of Christ in his church and supporting and encouraging Dr. A. Bullions in his sin and schism and are neglecting the ordinances as dispensed according to the rules of the Ass. Church and under the care of the Ass. Presbytery of Cambridge. And, Whereas this session has acquiesced in the decision of the Pby. declaring that they cannot recognise those who adhere to Dr. Bullions as in communion or in good standing with the Associate church. And whereas this session have adopted measures of dealing with those who so adhere to Dr. Bullions in his present course.

Therefore Resolved, That this Session do hold the above named elders, viz: John McClellan, John Shiland, George Lourie, James Lourie and George I. Maxwell as suspended from the exercise of their Office as ruling elders and from the communion of the church, until farther dealing be had with them in order to reclaim them till trial of their case be held.

Res. 2d. That intimation of this resolution be made to said members.

Res. 3d. That a committee or committees be appointed to wait on the above named members to inform them of their suspension, to deal with them severally in order to reclaim them and to cite them to appear before Session for further dealing.

Res. 4th. That in case the said members refuse to be reclaimed or to appear before session according to invitation, the said committee or committees forthwith serve them with a copy of the charges against them and with a citation to appear before session for trial.

Resolved, That Messrs. William McGeoch, Edward Small and John Robertson be a committee to carry into effect the above resolutions, any two of whom on their own arrangements may deal with the above named members severally. The following charge to be delivered to the members of Session severally above named; in case of their non-compliance with the invitation of Session was proposed and adopted, viz: You are hereby charged with attending on the ministrations of Dr. Alex. Bullions since his deposition by the Ass. Pby. of Cambridge and the confirmation of this sentence by the Associate Synod in which you are guilty of contemning the order and the ordinances of Christ in his church, countenancing and encouraging Dr. Alex. Bullions in his sin and schism, keeping up a schism in the visible body of Christ, and neglecting the ordinances as dispensed under the care of the Associate Pby. of Cambridge according to the rules and order of the Ass. Church. The Session to meet at Mr. Edward Small's on Monday the 17th of December next ensuing at 1 o'clock P. M. Closed with prayer.

WILLIAM McGEOCH, *Session Clerk.*

The witnesses to the above charge, Wm. McGeoch, Edward Small, John

Robertson, Alex. White, Thomas Shelby, Wm. Robertson of Troy, and Thomas Robertson of Troy, Peter McGill, Nancy Miller, Robert McArthur, Peter McArthur, James Hoy, Peter Hill, James Shiland, Wm. Shepard, Robert Tilford.

Cambridge, Dec. 17, 1838.

Session met at the house of Mr. Edward Small according to adjournment, was constituted with prayer by the Rev. A. Anderson, moderator; Members present, John Robertson, Edward Small and William McGeoch, read the minutes of the last meeting which were approved. The committee were called upon for their report, which given in substance, is as follows: The committee appointed to deal with or to cite the former elders of Cambridge, who are laid under suspension for dealing or for trial on account of their adherence to Dr. Bullions in his assumed ministry since his deposition, reported that they had attended to the appointment, dealt with those elders in order to reclaim them, but without success, as far as they could ascertain. That they informed them of their suspension, and delivered to them severally the charge made out against them and a citation to appear before session at this meeting for trial. It is nevertheless true that only one of the committee conversed with John Shiland, and only one of them at a time with James Lourie. It was agreed to accept the report. It was also agreed that as Peter McArthur and Robert McArthur were present as witnesses their statements would now be taken as they would testify on oath; they were accordingly called and gave their statements which were taken in writing. None of the elders cited to appear to-day attended. It was agreed that the next meeting of session be at William McGeoch's on Monday the 24th inst., at 10 o'clock, A. M. and that the Rev. George Hall be requested to moderate in case the present moderator do not attend. It was agreed that the elders before cited be again cited to appear at next meeting before the session for trial on the charge already put into their hands, and that the former committee cite them. It was resolved that as William McGeoch was at a former meeting appointed as elder to Pby. but the minute omitted he be continued according to appointment. Minutes were read and approved. Closed with prayer.

WILLIAM MCGEOCH, *Session Clerk*.

Jackson, Monday, December 24, 1838.

Session met at the house of William McGeoch according to appointment: was constituted with prayer by Rev. George Hall, moderator; elders present, Edward Small, John Robertson and Wm. McGeoch. The minutes of the former meeting were read, corrected and approved. The committee appointed to cite the elders held under suspension at a former meeting, reported that they had discharged the duty assigned them. Whereas none of the elders who had been cited the second time appeared. On motion resolved, that a third citation be sent to the elders formerly suspended, with a notification that in case they do not attend, the session will proceed to try their case as if they were present; and also consider how far they are guilty of contumacy. On motion resolved, that the same committee be appointed to serve the third citation, and also to report any answers from any or all of the elders they may think proper. On motion resolved, that the next meeting of session be held at the house of William McGeoch on Monday the 31st of December, 1838, at 10 o'clock, A. M. Resolved, that the clerk of session be directed to issue citations for any or all of those witnesses named in the charges as the session may think proper. Resolved, that the Rev. A. Anderson be requested to moderate at the next meeting of session; and that in case of his absence, Rev. George M. Hall be requested to moderate. Closed with prayer.

WILLIAM MCGEOCH, *Session Clerk*.

Jackson, Monday, December 31, 1838.

Session met at the house of William McGeoch was constituted with prayer by the Rev. A. Anderson, members present Edward Small, William McGeoch, and John Robertson, read the former minutes and approved them. It appeared on inquiry that the 3rd citation with certification was served on the elders under charge before session. None of the Elders cited appeared and the session resolved that they would now issue the case. The charge was then read and considered with regard to its relevancy and unanimously decided relevant. Agreed to try the case in reference to the members charged individually; took up the case of John McClelland read testimony in the case given by Peter McArthur and received report of committee, viz: Wm. McGeoch and Edward Small who had been appointed to deal with Mr. McClelland who reported that he said that he had attended on the ministry of Dr. A. Bullions since his deposition and that he would attend and that though men had taken away Dr. Bullions license the head of the Church had not. It was decided that the charge is proved. Next took up the case of John Shiland; Received the report of the Committee. Edward Small appointed to deal with Mr. Shiland who reported that said John Shiland said that he would attend upon the ministry of Dr. A. Bullions and that said John Shiland, had at another time invited him said E. Small to attend with them on the ministry of Dr. Bullions. John Robertson also stated that in last September, John Shiland invited him to attend on the Ministry of Dr. Bullions with them including himself and said that he was attending the ministry of Dr. Bullions and intended to attend until next meeting of Synod. It was decided that the charge is proved. Took up the case of George Lowrie, read the testimony in the case by Peter McArthur, Robert McArthur, and received the report of committee. Messrs. Edward Small and William McGeoch who reported that George Lowrie said that he intended to follow the course he was going till he found a better, or words to that effect. John Robertson also stated that George Lowrie in several conversations with him since Dr. Bullions was deposed, conveyed the idea that he was attending the ministry of Dr. Bullions, and intended to attend as long as he believed on the revelations. It was decided that the charge was proved. Took up the case of James Lowrie; read the testimony of Robert McArthur and received the report of the committee, William McGeoch, who reported that James Lowrie said that he had attended but one day for some weeks on Dr. Bullions' Ministry. John Robertson also stated that when acting as a committee to deal with James Lowrie he said James Lowrie said that he had made up his mind nearly that he would attend neither party till he received a letter from Rev. Samuel McArthur, then he made up his mind and attended the ministry of Dr. Bullions; decided that the charge is proved.

Took up the case of George I. Maxwell, Received the report. Edward Small, and William McGeoch as a committee to deal with George I. Maxwell who reported that he said that he had attended on the ministry of Dr. Bullions since his deposition and intended to attend, as soon as he was able. It was decided that the charge is proved. It was then considered how far the Elders charged were guilty of contumacy severally. It was decided that they are severally guilty of contumacy in as far as they did not attend any of the meetings of session to which they were cited, and also as they did not give any reason of their absence or assign any cause, except that James Lowrie gave an excuse in one case. Accordingly session unanimously decided that the above named elders, viz: John McClelland, John Shiland, George Lowrie, James Lowrie, and George I. Maxwell be suspended and they hereby are severally suspended from the exercise of their office as elders and from the communion of the Church

till they repent. It was moreover resolved that this decree, viz: That the charges against those elders severally was found relevant and proved, and that they were severally found guilty of contumacy and suspended from the exercise of their office, and the communion of the Church be intimated to them.

Minutes were read and approved. Closed with prayer.

WILLIAM MCGEOCH, *Session Clerk.*"

"EXHIBIT Q."

"Minutes of the Associate Presbytery of Cambridge, commencing with the Argyle meeting, Oct. 4, 1837." (Proved, fol. 126, of the Rev. A. Anderson's Deposition,) and is as follows:

"South Argyle, Wedn., Oct. 4th, 1837.

Presbytery met according to appointment, and constituted with prayer by Mr. Miller, Moderator. Members present, Messrs. Stalker, Bullions, D. D., A. Gordon, Miller, D. Gordon, ministers: Benj. Skellie, John Robertson, John Henry, John T. Law, George Boyd, ruling elders. Mr. D. Gordon was appointed Clerk *pro tem.*" "Mr. Anderson appeared and took his seat."

Oct. 5th, 9 A. M. Pby met constituted with prayer by Mr. A. Gordon Moderator. Members present as yesterday, except Mr. Anderson and J. Robertson." "John Robertson appeared and took his seat. Dr. Bullions having in his remarks, insinuated that some member or members present were unfit to sit in any court, it was on motion resolved that he be required to give the names. A question arising respecting the minutes, the Moderator decided that it was out of order. An appeal was taken and sustained. The minute was then filled up as follows, viz: Dr. Bullions refused to give names by denying his former words, and in his remarks said, "Pby might censure him till they were tired." John Robertson and Benj. Skellie entered their dissent for reasons to be given in; the Clerk was appointed to answer them. Dr. Bullions, for disobedience to the Moderator was deprived of the privilege of debate for this sitting. It was on motion resolved that Dr. Bullions be censured for contempt of court in the above slanderous insinuations and expressions. Messrs. Skellie and Robertson, because not being present at the commencement, desired it to be marked that they had not clearness to vote, and Mr. Stalker, because he did not distinctly hear. On motion resolved that the censure due to Dr. Bullions be a rebuke. Messrs. Robertson, Skellie and Stalker not voting for reasons before given. The execution of the resolution to rebuke was postponed till the sentence imposing silence be removed. Mr. Anderson appeared and took his seat. Dr. Bullions entered his protest against the minute recording his expression, and appealed. Protest not admitted. Dr. Bullions protested against not admitting his protest, which protest was admitted. Messrs. D. Gordon and Miller, a committee to answer reasons of protest. Dr. Bullions craved extracts.

Resolved, That as Mr. Skellie disagreed with the minutes stating Dr. Bullions' exceptionable expression he be required to give in his statement of that expression in writing. Mr. Skellie gave in the following statement, viz: That Dr. Bullions did not say the members were not fit to sit in any court, but some were not fit to sit in this court.

BENJAMIN SKELLIE.

"After recess it was agreed that the silence imposed on Dr. Bullions be removed. Proceeded to inflict the censure voted on Dr. Bullions. He refused to submit, and protested and appealed to Synod. Protest not admitted. Dr. Bullions protested against the rejection of his protest, protest admitted. Messrs. D. Gordon and Miller were appointed a committee to answer reasons of protest. (At the next regular meeting of Pby., Feb. 7th, 1838, at Hebron,

when the minutes of Oct. 5th were read, it was agreed to fill up the minutes as follows, viz: As Pby were about proceeding to pass the sentence of suspension, Dr. Bullions arose and proposed to give what he said in the morning, or the substance of it instead of what was recorded in the minutes as his expression, and in substance said, That what he said in the morning was, That if reports were true, for which he would refer Pby to the Rev. George Mairs, and the Rev. Peter Gordon, there were four members of this Pby not fit to sit in this court, stating moreover, that these four were Messrs. A. Gordon, D. Gordon, Miller and Anderson, and that what was charged against them was error in doctrine and immorality in practice.) It was then on motion resolved that Dr. Bullions be suspended from the exercise of his ministry and communion of the Church for contumacy, till he give evidence of repentance (voted 6 to 2) a member having led in prayer before the vote. Dr. Bullions protested against this decision and appealed, protest not admitted. He protested against the rejection of his protest, which protest was admitted. Mr. Anderson was appointed to answer reasons of protest. Resolved, That the Associate Congregation of Cambridge be informed of Pres'y's decision respecting Dr. Bullions and that if they wish for supplies from Presby. they may apply to the committee of supplies." "It was agreed to read and correct the minutes in order to give corrected extracts. Adjourned till to-morrow morning. Closed with prayer.

Oct. 6th, 9 A. M. Presby. met, and constituted with prayer by the Moderator. Members present, Messrs. Stalker, A. Gordon, Miller, D. Gordon, ministers. John Henry and Benj. Skellie, Elders." "Geo. Boid appeared and took his seat, and Wm. Dobbin instead of John T. Law. Papers being called for, a representation by Dr. Bullions was given in and referred to Messrs. Miller and Henry as a committee before reading. The committee reported against the present reading of it. It was therefore on motion laid on the table." "Mr. Anderson appeared and took his seat." "A paper given in by Dr. Bullions having been verbally reported on by the committee to whom it had been referred, was recommitted in order that a report on it be laid before next meeting of Presby."

Cambridge, Nov. 14th, 1837. Presby. met, *pro re nata*, according to a call by the Moderator. Members present, Messrs. Whyte, Stalker, Bullions, D. D., A. Gordon, Anderson, Goodwillie, Miller, Pringle, D. Gordon, ministers. Benj. Skellie, John Robertson, G. Boid, Wm. Galbraith, John Henry, Wm. Henderson, John T. Law, Ruling Elders. The Moderator stated that he had called this meeting on a request by two members, made on the petition of the Ass. Congregation of Cambridge, that Presby. might take into consideration the affairs of Dr. Bullions and of the Congregation of Cambridge. The excuses of members for absence from some meetings of Presby. past were called for. Mr. Whyte gave as his excuse that he did not hear and could not be of service: excuse not sustained—7 to 5. Mr. Goodwillie gave as his excuse his distance from the place of meeting of Pres., and in respect to some meetings that he did not know of them. Excuse not sustained by the casting vote of the Moderator. Mr. Pringle gave as his excuse the same as that of Mr. Goodwillie with the additional consideration of expense. Excuse sustained. Mr. D. Gordon gave notice that if he should have occasion to protest against any thing done at this meeting, he may make the sustaining of this excuse one reason of it, to which notice Messrs. A. Gordon, Miller and Anderson adhere. The following resolution was moved and seconded, viz: Resolved, That Messrs. T. Goodwillie and Wm. Pringle have not a seat in Presby, on the business of this meeting, because they are related to Dr. Bullions by affin-

ity, and because there is evidence that they are partial in his cause in their not attending on the meetings of Presby. except when his cause is on trial. A previous motion was made and seconded that Mr. Whyte have no vote on this question respecting Messrs. Goodwille and Pringle, because his own case is involved in it. Decided in the negative. The above resolution was then taken up. It was moved to take the names separately in the resolution, which was negatived.

The resolution recurring it was carried in the affirmative by the casting vote of the Moderator. Mr. Goodwille craved liberty to protest and appeal to Synod from the above decision, if he see cause—to which Messrs. Pringle and John Robertson adhere. Mr. Pringle then offered his protest and appealed to Synod for reasons to be given in; protest not admitted. Mr. Pringle protested against the rejection of his protest, and appealed to Synod. Protest admitted. Messrs. Anderson and D. Gordon to answer reasons of protest. Mr. A. Gordon objected to Mr. Whyte's sitting on the business of this meeting, as he had given evidence of partiality in Dr. Bullions' favor, in his not attending on the meetings of this Pby. except when Dr. Bullions' case is on trial. The question was put, sustain the objection or not: and carried, sustain. A petition from the Associate Congregation of Cambridge, for the restoration of Dr. Bullions was given in and read; agreed that it be laid on the table. It having been intimated that the congregation of Cambridge had appointed commissioners to represent them before Pby. it was agreed to hear them. Messrs. James Lourie and John Robertson were heard as commissioners. Agreed to adjourn for one hour; closed with prayer.

3, o'clock P. M. Pby. met and constituted with prayer. Members present as above. Minutes of forenoon session were read and approved. Mr. Goodwille offered his protest against Pby's not sustaining his excuse for absence. Protest not admitted. He protested against the rejection of his protest and appealed to Synod. Protest admitted. Resumed the consideration of the business on which this meeting of Pby. was called. Having received from the congregation of Cambridge such considerations as they had to offer, Dr. Bullions was heard. Dr. Bullions stated, that taking it for granted that the language attributed to him by Pby. was his, he has the same view of it as Pby. has; that the language was utterly wrong and improper, and that he would agree to submit to any censure which any court would judge proper. Remarks of members were heard. Mr. Stalker asked leave to read his remarks, which was granted. Some things having been read by him, which were thought to be justly offensive; it was moved, seconded and carried that he be required to give in the paper to Pby. for their use. Resolved that Messrs. Anderson and Boyd be a committee to bring in a report on said paper at the next regular meeting of Pby. In the course of remarks on Dr. Bullions' case, the paper laid in by Dr. Bullions at last meeting of Pby. and the report of the committee of Pby on it were called for and read. On which the following motions were made and carried, viz: Moved, that the 1st resolution proposed in the report be adopted, which is as follows:—

1. Resolved, That this paper of Dr. Bullions furnishes no proper evidence of his penitence for a most glaring offence committed in the presence of the court itself. Moved, that the 2d. resolution be amended to read as follows and adopted.

2. Resolved, That Dr. Bullions' professions and declarations in submissions to this Pby. have so often deceived them; that strong and unequivocal evidence of repentance is necessary from Dr. Bullions in order to warrant Pby. to restore him. Moved, seconded and carried that the report as thus amended be accepted as the Pby's disposal of Dr. Bullions' paper, and kept on file.

It was then resolved, that Dr. Bullions has not given that unequivocal evidence of repentance on the matters now in charge against him which is necessary in order to warrant Pby. to restore him. A paper of requisitions to be made of Dr. Bullions, was offered and considered, and after amendments was unanimously adopted as follows, viz:—

1. That Dr. Bullions acknowledge his sin in denying his own words uttered before Pby.

2. That Dr. Bullions acknowledge that the remarks with which he is charged were unfounded in truth, contemptuous to court and sinful against God; and that he is sorry for his sin against God in these things, and for his offences against his brethren.

3. That Dr. Bullions withdraw his protests against the sentences of rebuke and suspension.

4. That Dr. Bullions submit to the rebuke appointed by Pby.

5. That Dr. Bullions either retract his declarations as unfounded and slanderous, that four members of this Pby are unfit to sit as members of this court, on supposition that certain reports in the possession of Messrs. Peter Gordon and George Mairs, are true; or on the other hand, that he pledge himself to Pby. to produce these reports for Pby's judgment: and in the latter case, that he remain under suspension till he produce them to Pby.

6. That Dr. Bullions acknowledge the impropriety and sinfulness of bringing heavy charges against members of Pby. as he has done on reports without pledging himself to produce the reports and laying them in for trial.

7. That Dr. Bullions acknowledge the sinfulness of such an irregular and irreverent appeal to the Great Searcher of hearts as he did use in a paper laid in to Pby. by him, and referred to by him, in the present meeting, with approbation; and that this be included in the grounds of rebuke to which Dr. Bullions is required to submit. Moved, seconded and carried that the 5th requisition be put to Dr. Bullions after a recess for 1-2 an hour. After recess read and approved the minutes so far as taken till the recess. Members present as above. The question was put as ordered before recess. Dr. Bullions answered that he retracts as the said requisition requires, viz: 'That he 'retracts as unfounded and slanderous the declaration,—That four members of this Pby. are unfit to sit as members of this court, on supposition that certain reports in possession of Messrs. Peter Gordon and George Mairs, are true.' Moved and seconded that Dr. Bullions be furnished with a copy of these requisitions and that time be given him till the 1st Wednesday of Feb. ensuing to answer to them. As a substitute for this motion it was moved and seconded that Dr. Bullions be furnished with a copy of these requisitions, and time given him till to-morrow morning to answer. The latter motion was negatived, 6 to 4. As another substitute, it was moved and seconded that these requisitions be put into Dr. Bullions' hands and time given him till the first Wednesday of December to answer: carried in the affirmative." "Pby. to meet in Salem on the 1st Wednesday of Dec. at 11 o'clock, A. M." "A report that Dr. Bullions had given a copy of that paper which he gave into last Pby. to the Associate Reformed Pby. was mentioned, and Mr. Anderson appointed a committee of inquiry on the matter. Mr. Goodwillie or Mr. Pringle to supply in Cambridge next Sabbath, and Mr. McArthur the two following Sabbaths. Mr. Goodwillie withdrew his protest entered at this meeting against Pby's not sustaining his excuse for absence. The minutes were read and approved."

"Salem, Wed. Dec. 6th, 1837, Pby. met according to adjournment"—"constituted with prayer by the moderator, Mr. Miller. Members present, Messrs.

Stalker, Bullions, D. D., Anderson, Miller, D. Gordon, ministers, Benjamin Skellie, John Robertson, George Boyd, John Henry, John T. Law, ruling elders. The minutes of last meeting *pro re nata* were read, amended and approved. Mr. A. Gordon's excuse for absence from this meeting was given in, viz: the state of the roads rendered the journey impracticable. Excuse sustained." "Dr. Bullions' case was next called up. Mr. D. Gordon objected to Mr. Stalker's sitting on this case, because he had prejudged it, as appears from his paper read at the last meeting, in which he said that he would, even if the Pby. should not restore Dr. Bullions, assist him, and receive assistance from him. Decided, sustain the objection. Dr. Bullions gave notice that if any vote on this case should be adverse to him, he will claim the privilege of making a representation of it to Synod. Mr. John Robertson claimed the privilege of entering his protest against this decision if he see cause; to which claim Mr. Stalker adheres.

Dr. Bullions was then called on to give answers to the requisitions of Pby. put into his hand at last meeting. Dr. Bullions was heard in his remarks, and he read a paper of answers, as follows, viz: 'Desirous that the matter depending between him and the Pby. be correctly settled, the subscriber, in order to effect this and to prevent present and future mistakes or misrepresentations, submits in writing the following answers to the requisitions proposed to his consideration by Pby.—To the first, 1. I answer, that I acknowledge that I did deny uttering the words imputed to me as an insinuation against Pby. and voted censurable, but as I had no consciousness at the time of having uttered them, and as nothing has since transpired to bring to my remembrance that I did so, I cannot without doing evil that good may come, acknowledge the sinfulness of my denial of them, as it was made under the full persuasion that I did not use them. 2. The language imputed to me I have repeatedly and publicly condemned, and I acquiesce in the judgment of the Pby respecting it. 3. To this I consent on the condition understood that they may be resumed, provided the matter in dependence is not adjusted. 4. I consent in deference to the Pby. 6. That I regard the conduct condemned as improper and sinful, and which ought to be carefully abstained from. 7. That I hold that appeals to Almighty God, the searcher of all hearts are lawful and at times seasonable, but still as in the circumstantiate case complained of, it may have been uncalled for, I submit to the decision of Pby respecting it. ALEXANDER BULLIONS.

Cambridge Dec. 5th 1837.

It was then resolved that the Requisitions be read one by one with the answer to each, which was done. It was agreed that the requisitions and answers be again read one by one in order to a final vote. The answer on the first Requisition being under consideration, Pby agreed to have a recess for 3-4 of an hour. After recess, members present as above. The minutes taken before recess were read and approved." "Moved and seconded that the vote excluding Mr. Stalker from a seat in the case of Dr. Bullions now pending before this Pby. be reconsidered Carried, Reconsider. In addition to the objection formerly made, it was further objected, that Mr. Stalker openly charged Pby with improper and unholy motives and feelings in the prosecution against Dr. Bullions, and that there was in his remarks an implied renunciation of the authority of this court. The question was put on these objections, Sustain, or not? Carried, Sustain. Resumed the consideration of the business left unfinished before recess. The members of Pby and Dr. Bullions were heard, in which the Dr. said that he referred to all the words in the minute containing the insinuation, as the words which he did not recollect, viz: That he had insinuated that some member or members present were unfit to sit in

any court.' Agreed that a decision on this answer be postponed till the other answers are considered. The 2nd. answer was read. The requisition was turned into two questions, and a definite answer, aye or no, required, as follows, 1st, Does Dr. Bullions acknowledge that the expressions charged were unfounded in truth, contemptuous to court, and sinful against God. 2nd, Does he profess that he is sorry for his sin against God in these things, and for his offences against his brethren? These questions were put to Dr. Bullions; he refused to answer unless they were put into his hand and time given for answering in writing. The moderator proposed the question. Is the Dr.'s answer satisfactory? Before the vote, Mr. Gordon opposed the moderator's decision as to the form of putting the question, and appealed to Pby. Appeal not sustained. Mr. Gordon entered his dissent. The question was then put, Is Dr. Bullion's answer satisfactory? Decided, Not satisfactory. The 3rd answer was read and considered. The question was put, Is the answer satisfactory? Decided, Not satisfactory—5 to 1.

The 4th answer was read and considered. The question was put, Is the answer satisfactory? Decided, Not satisfactory—5 to 2.

The 6th answer was read and considered. The question was put, Is the answer satisfactory? Decided, Not satisfactory—5 to 2.

The 7th answer was read and considered. The question was put, Is the answer satisfactory? Decided, Not satisfactory—5 to 2.

The following question was on vote by Pby, put to Dr. Bullions respecting the 5th requisition, on which he made the retraction recorded in the minutes of Pby at Cambridge, Nov. 14th, 1837, viz: Does Dr. Bullions acknowledge his sin and profess his unfeigned sorrow for it in the falsehood and slander which he has acknowledged he did utter against his brethren of the Pby? He expressly refused to use the words "unfeigned sorrow," but answered, I thought I was really sorry for it, and I have made it a matter of confession before God.' The question was put, Is this answer satisfactory? Carried unanimously, satisfactory. Pby returned to Dr. Bullions' answer to the first requisition. It was moved and seconded that the first requisition and the answer to it be dropped. While this was under discussion, the following questions were by Pby put to Dr. Bullions, viz: 1. Does the Dr. remember making any allusion on the morning of Thursday in Pby at Argyle, (Oct. 1837,) to some members of this Pby, as unfit to sit in court? The Dr. answered, Yes.

2. Does Dr. Bullions remember that in the afternoon of that same day in stating that four members whom he named were unfit to sit in court on supposition that certain reports were true, whether he was professing to state the substance of what he stated in the morning? To this question Dr. Bullions refused to answer.

3. What word in the minute does Dr. Bullions say he does not remember having uttered? Dr. Bullions refused to answer.

The question was then put, Drop the 1st requisition and the answer or not? Decided in the negative—5 to 2.

The question was then put, Is the answer on the 1st requisition satisfactory? Decided, Not satisfactory—5 to 2.

The question was then put, Has Dr. Bullions, in his answers at this time given such evidence of repentance as this court ought to require? Decided in the negative—5 to 2. Mr. John Robertson requested privilege of entering his protest against the latter decision if he think proper, in which request, Mr. James Lourie joined as commissioner from the congregation of Cambridge, in their own name and in the name of those who may adhere to them. Mr.

Robertson asked more than the usual time to give in his protest. The Moderator *pro tem*, Mr. D. Gordon, decided against it. Mr. Robertson appealed to Pby. The appeal was sustained. Time was given till the 25th of this inst., to give in their protest to the Clerk, and obtain extracts. It was agreed that Mr. Miller correspond with the Pby of Albany in order to obtain as much of Mr. McArthur's time as possible for the supply of Cambridge congregation, if they request the supply. Mr. Robertson requested that the following expressions uttered by Mr. D. Gordon at this meeting be recorded, viz: Mr. Gordon said, 'That Dr. Bullions had written or caused to be written slanderous letters against members of Pby,' and, 'I must be excused if I was very suspicious when a man has deceived me ten times.' The minutes were read and approved."

"Hebron, Wedn. Feb. 7th, 1838. Pby met, constituted with prayer by Mr. Miller, Moderator. Members present, Messrs. Stalker, A. Gordon, Anderson, Miller, D. Gordon, ministers. Benj. Skellie, Adam Darling, Geo. Boyd, John Henry, Wm. Dobbin, ruling elders." "Mr. James Lourie being proposed as a member of Pby from Cambridge instead of John Robertson, and as appointed by the session of Cambridge, constituted by Dr. Bullions.

It was resolved that Mr. Lourie is not entitled to a seat in Pby. in virtue of his appointment, and because he is in a state of insubordination to Pby; but that Mr. Lourie may be heard in Pby. on the affairs of the congregation of Cambridge." "Papers were called for. Paper No. 1 from Dr. Bullions." "Paper No. 1 was put into the hands of a committee before reading it. Messrs. A. Gordon and Anderson the committee." "The committee to whom was referred a paper given in to-day from Dr. Bullions, reported that it ought to be read. It was then read, and on motion, put into the hand of a committee to report thereon to-morrow. A. Anderson said committee." Mr. Stalker claimed the privilege of protesting against a decision of Pby at Salem, Dec. 6th, 1837, excluding him from a seat on the case then pending, and against which he then adhered to a claim of protest by Mr. John Robertson. Protest not admitted. Mr. Stalker protested against the rejection of his protest, which was admitted. Mr. D. Gordon, the committee to answer reasons of protest. A protest by John Robertson against a decision of Pby. at Salem declaring Dr. Bullions' answers to the requisitions of Pby. unsatisfactory as evidence of repentance, was offered. Protest not admitted. In answer to questions by Pby. James Lourie said that it is well known that Dr. Bullions has been preaching since the *pro re nata* meeting of Pby. at Salem, except on the first Sabbath after that meeting, and that a majority of the congregation of Cambridge waited on his ministry, and that Dr. Bullions constituted the session of Cambridge, and that he has also administered baptism since that meeting."

"Thursday, Feb. 8th, 9 A. M. Pby. met, constituted with prayer by the moderator, Mr. Miller. Members present as yesterday except Mr. Boyd absent on account of sickness. Mr. John McClellan was assumed in his place." Papers were called for. A report of the committee on Dr. Bullions' paper laid in at this meeting was read and adopted, and it was resolved that the clerk rectify Dr. Bullions according to the tenor of that report. In accordance with that report, Mr. D. Gordon was appointed to answer the reasons of protest contained in Dr. Bullions paper. The following is the report viz: "Dr. Bullions appears to have three objects in view in this paper, viz: 1. A declinature of the authority of this Pby over him or his congregation now and hereafter. 2. An additional expression of contempt of Pby, by denying their right constitution and their character as a Pby, or a court of Christ, and declaring their authority assumed. 3. Reasons of protest in part for all his protests taken in his

case pending. Your committee therefore recommend to Pby. 1. To give this paper into the hands of a committee for answers to it as reasons of protest. 2. That for his contempt of Pby manifested in this paper with all the former grounds of charge against Dr. Bullions in the case depending, Pby notify him to appear before them at their next meeting, and warn him that unless he immediately desist from the exercise of the ministry and submit to their decisions they will proceed to higher censure.

A. ANDERSON, *Committee.*

“Resolved, That a warning be addressed to the Ass. Congregation of Cambridge on their present course. Mr. D. Gordon proposed a paper as an overture of a warning to the congregation of Cambridge, which was read. It was moved and seconded that the overture be adopted. An amendment was proposed” “It was then agreed that the present business be laid over till business before Pby. respecting Mr. Stalker be attended to.” “Resolved that Pby. take testimony at South Argyle on the 2d Tuesday of April next ensuing on Dr. Bullions’ declarations made at the meeting of Pby. at S. Argyle in Oct. last respecting members of Pby in connection with the minutes on that subject, and that the clerk summon witnesses and notify Dr. Bullions of this resolution. Took up the overture left under discussion. It was read, discussed, amended and adopted. It was resolved that A. Anderson be appointed to preach at Cambridge and read the warning to the congregation, and to convene and constitute the session for this business, and that Thursday the 15th inst be the day appointed for this session. The session to be convened at 10 o’clock, A. M., and public worship to commence 12 o’clock, M. The members of session present from Cambridge are hereby enjoined to give intimation to the session and congregation according to the above resolution. Next meeting of Pby to be at Salem on the first Wednesday of March next ensuing at 11 o’clock, A. M. Resolved that Pby. take order on those expressions of Mr. D. Gordon recorded at Salem. Resolved that Mr. D. Gordon be required to prove his expression made and recorded at Salem, viz: “that Dr. Bullions had written or caused to be written slanderous letters against members of Pby; and that he be required to do this at next meeting of Pby and that Dr. Bullions be notified of this resolution.”

“Salem, March 7th, Wedn., 1838, Pby met, constituted with prayer by the moderator, Mr. Miller. Members present, Messrs. A. Gordon, Miller, Anderson, D. Gordon, ministers; Adam Darling, John Henry, James Reid, Wm. Dobbin, ruling elders.” “Agreed to take up the case of D. Gordon, requiring him to prove his expression,—That Dr. Bullions had written or caused to be written slanderous letters against members of Pby. Mr. A. Gordon was, by order, excluded from a seat in this case on account of relationship. Resolved, that D. Gordon’s expression is censurable, if not proved. Mr. D. Gordon was called on for his proof. He requested that he have privilege of retaining the papers which he may offer in proof. Request granted, on condition that Pby. have the use of them as they may need them. Mr. D. Gordon offered witnesses to prove the hand-writing in a certain paper produced to Pby by him purporting to be a letter to Dr. Bullions from Franklinville, marked No. 4, March, 1838. Messrs. Chauncy Ransom and Clark Rice were sworn and gave testimony. Messrs. John McArthur and Wm. McGeoch were summoned by the moderator to attend in this place as witnesses on this case to-day, and Messrs. James Thompson and Wm. McKie were requested to attend for the same purpose.” “Messrs. James Thompson and Wm. McKie were sworn and gave testimony, as also John McArthur and Wm. McGeoch. Messrs. George

Lourie and James Lourie were also sworn and gave testimony. Mr. D. Gordon also gave in to Pby a letter marked No. 16 from the Rev. Peter Campbell for Pby's use in the case; also a letter from D. McClure, Post Master, Franklinville, N. Y., marked No. 17. Another letter which had been, by the endorsing, addressed to the Rev. J. P. Miller, marked by Pby. No. 18 was read and compared with the letter in question, and found to be the same with the exception of a foot-note. Messrs. J. P. Miller and John Dobbin were sworn and gave testimony. Mr. A. Gordon in the chair while Mr. Miller gave testimony. Mr. D. Gordon gave notice that his testimony is closed, reserving privilege of bringing forward more testimony hereafter if he see cause. Mr. D. Gordon was heard in defence. The members of Pby were heard, and the question was put, Has Mr. D. Gordon proved his assertion? Carried unanimously, proved.

It having appeared in the above trial, that there is evidence that Dr. A. Bullions has written, caused to be written, or published slanderous letters against members of this Pby, it was resolved that a committee be appointed to report to-morrow morning a plan of issuing this matter with Dr. Bullions. A. Anderson was appointed said committee." "Agreed that next meeting of Pby be at S. Argyle on the 2d Tuesbay of April next ensuing at 11 o'clock, A. M.

" Thursday, March 8th, 9 o'clock, A. M., Pby. met, constituted with prayer by Mr. A. Gordon, Moderator *pro tem*. Members present as yesterday, except Mr. Miller, absent on leave. Read and approved the minutes of yesterday.

Took up the case of Dr. Bullions as arising out of the trial of the Rev. D. Gordon, which took place yesterday. The report of the committee on the case was read, which is as follows: Your committee appointed to prepare a plan of issuing the case of Dr. Bullion as connected with the slanderous letters referred to by him in his late charges against members of Pby, report, That in the progress of the trial of the Rev. D. Gordon just issued, evidence has appeared that Dr. Bullions himself raised and published those slanderous reports on which he has made, in Pby, his charge against some of the members. Your committee therefore recommend to Pby the following plan of procedure, viz: That Dr. Bullions be immediately put on trial under the charge of making himself responsible for certain slanderous letters against members of this Pby, by writing, causing to be written, publishing, or commending them, copies of which letters have appeared in Pby on the trial of the Rev. D. Gordon, and of which, it appears, there was a copy, substantially at least, in the hands of the Rev. George Mairs, Jr. A. ANDERSON, *Comm.*

It was agreed to accept the report, and that the plan of procedure recommended in it be adopted. The Moderator requested privilege of entering his dissent from this decision, for reasons to be given in, Request granted. The following resolution was then offered, viz: Resolved, That Dr. Bullions be cited to appear at next meeting of Pby for trial of this case of making himself responsible for certain slanderous letters, &c. with certification that if he fail to appear, Pby will decide on the case, accumulate it with his other offences, and peremptorily give sentence of deposition. A question was asked as to order, by A. Anderson, Whether Dr. Bullions should be certified that if he do not attend at next meeting of Pby, this case shall then be finally issued? The Moderator decided in the affirmative. A. Anderson appealed from this decision. The appeal was not sustained, by the vote being a tie. A. Anderson asked privilege of entering his dissent from this decision if he see cause. Granted. The above resolution was then adopted."

"South Argyle, Tuesday April 10th, 1838. Pby met constituted with prayer

by the Moderator Mr. Miller. Members present, Messrs. Stalker A. Gordon, Anderson, Miller, D. Gordon, ministers; Benj. Skellie, James Reid, John Henry, Wm. Dobbin, ruling elders." "Papers were called for, No. 1, A communication from Dr. Bullions in answer to a citation by Pby which was read and laid on the table."

"It was on motion agreed to proceed to the special business of this day, viz: the taking of testimony in reference to the minutes on Dr. Bullions' case according to appointment at Hebron, Feb. 8th 1838.

The following minute was made expressive of Pby's reasons for taking the testimony just referred to, viz: Whereas Pby believe that Dr. Bullions used different forms of expression on Oct. 5th 1837, at S. Argyle respecting members of Pby not being fit to sit in court, and as it may be of importance to have them all before the court in issuing his case, Therefore it was resolved to take testimony accordingly. Witnesses summoned were Caspar Bain, John Stott, John Bishop, John McGeoch, R. W. Richie, Andrew Beveridge, Geo. Beveridge, Geo. Boyd. The first three of whom were sworn and gave testimony. It was judged unnecessary to examine more witnesses in this case. The following preamble and resolution were offered and adopted, viz: Whereas Dr. Bullions has published a letter addressed to the congregation of Cambridge affecting the matters at issue in his case before Pby. Resolved that a committee be appointed to report on said letter and that they bring in their report at this meeting. Mr. D. Gordon was appointed said committee."

"Pby took up the case of Dr. Bullions, viz: the charge made against him by Pby respecting the anonymous letters slandering members of Pby. This as well as taking the above testimony was done in Dr. Bullions' absence, being according to appointment, and certification to him, and because Pby at this meeting has received from him a refusal to attend and a declinature of their authority. Mr. D. Gordon proposed Messrs. Stalker and Whyte, members of this Pby, as witnesses in the case. Mr. Stalker was sworn and gave testimony. As Mr. Whyte was not present, it was agreed to appoint a commission to wait on Mr. Whyte and take his testimony on this case this evening or to-morrow morning. Messrs. Miller and John Stott were appointed said commission.

The report on Dr. Bullions' printed letter was read. It was agreed that the committee be continued with instructions to make amendments and to bring in a resolution at the present meeting in order to issue the matter. It was agreed to take up for adjudication the things judged relevant to infer censure in the printed Memorial. The first item of charge was read and the specified passage in the Memorial on which it was based. The question was put after discussion, Does the specified passage in the Memorial support the charge? It was carried support. The 2nd charge was read with the specification, discussed, put and carried. That the charge is supported. The 3rd charge was read with its specifications, discussed, put and carried. That the charge is supported. The 4th charge was read with its specifications, discussed, put and carried. That it is supported. The following are the charges referred to above, viz: 1. The language used by the Memorialists in their first paragraph is injurious respecting Synod's decision especially on account of the irregular manner in which it is advanced. 2nd. They approve and commend the insubordinate anti-presbyterial conduct of the 1st, Ass. Congregation of N. York. 3. They endeavour to revive and keep up the troubles that had been settled in the Ass. Pby of Cambridge. 4. They grossly misrepresent the Pby of Albany and the Synod. It was agreed that the case of Dr. Bullions before Pby be made the order of the day for Thursday the 12th inst. at 11 o'clock, A. M. and that he be cited then to attend with certification that his case will then

be issued. It was agreed that Dr. Bullions' declinature given in to-day be put into the hands of a committee to report on it at this meeting. Mr. A. Gordon to be said committee."

"S. Argyle, Wedn. April 11th, 1838, Pby met, constituted with prayer by Mr. D. Gordon, Moderator. Mr. A. Gordon was appointed Clerk, *pro tem.*; Members present as yesterday, except Mr. Anderson absent on leave. The minutes of yesterday were read, corrected and approved. Papers were called for. The commission appointed to take the Rev. A. Whyte's testimony, reported and read his statement to Pby. which it was agreed be laid on the table with the other testimony. The committee on Dr. Bullions' communication to Pby. read a report, which was laid on the table for the present. The committee on the printed letter reported amendments and additions to the report read yesterday, which it was agreed to lay on the table for the present."

"Thursday, April 12th, 10 A. M. S. Argyle, Pby. met, constituted with prayer by Mr. D. Gordon, Moderator. Members present as yesterday, except Messrs. Stalker and John Stevenson absent without leave. The minutes of yesterday were read and corrected." "The citation of Dr. Bullions was returned duly served." Pby. agreed to proceed to the order of the day, viz: the case of Dr. Bullions. As Dr. Bullions did not obey the citation nor send any excuse, Pby. proceeded in his absence to try the charge respecting the anonymous letters, and entered on the probation accordingly, (see min. p. 133.) It was agreed that the letters referred to be read. The question, after members were fully heard, was put, Has the slanderous character of these letters been established? carried in the affirmative unanimously. Pby. now entered on the probation of the authorship of the letters. The minutes, relating to that charge at a former meeting, were read together with sundry letters, and the testimony taken thereon. After members were heard, the question was put, Is the authorship, as charged, established? carried unanimously in the affirmative. The report, which had been read on the printed letters, was taken up. On motion, Resolved, that the first resolution recommended be adopted, which is as follows, viz.: Resolved, that the whole is the highest degree of contumacy, aggravated by falsehood, slander, mis-representation and contempt, which are here employed to form a defence of his contumacy. The report on the communication, or 2d declinature sent in by Dr. Bullions was taken up. It was resolved that it be received and given into the hands of the committee of publication, The minutes, respecting the printed memorial, were read. It was resolved that the offences herein be accumulated with Dr. Bullions' other offences with which he is charged. The preamble to the resolution of censure was adopted on motion, and after prayer it was unanimously resolved that Dr. A. Bullions be deposed. Whereupon, the Moderator did in the name of the great Head of the Church depose him from the office of the holy ministry in the words following, viz: Whereas the Rev. Alexander Bullions, D. D., in October last, at S. Argyle, when a case was on trial, in which the Rev. D. Stalker was a party, alledged as a reason why Pby. ought not to proceed in the trial that such things were reported in the country as would disqualify several members for sitting in that or any other court, referring at the same time to the Rev. George Mairs and Rev. Peter Gordon for proof. And being required to name the members and to specify the things charged, he refused to do so, and at the same time denied the expressions which he had used. Whereupon Pby. voted that he be rebuked as being guilty of contempt of court and of slandering members. To which censure Dr. Bullions not submitting, the Pby., for his contempt and contumacy, suspended him from the exercise of his ministry and the communion of the

church. And whereas Pby. have discovered in the course of this business, that the origin of the above alledged slanderous report was a number of slanderous anonymous letters which Dr. Bullions had either written himself, or caused to be written and circulated. Whereas he has in this matter, in a most wanton and unprovoked manner, when his brethren were at peace with him, broken his own solemn promise, made at one time, in answer to the requisition made by Synod, and at another to the requisition of Pby. never again to agitate any of the matters which had troubled Pby. Whereas, contrary to all church order he has exercised his ministry in teaching and sealing ordinances, not submitting, at any time, to the sentence in defiance to the authority of the court, and only for a short time in defiance to the people of Cambridge. Whereas he has given in his declinature of Pby's authority, in which he declares that he holds all acts, which they may in future pass affecting him, null and void; at the same time denying that this is a rightly constituted court, thereby casting upon it the utmost contempt. Whereas Dr. Bullions has published a letter addressed to Cambridge Congregation in which he renews his declinature, thereby separating himself from the Associate Church, and renouncing Presbyterial church government, and the whole being the highest degree of contumacy, aggravated by falsehood, slander, mis-representation and contempt, which are there employed to make a defence of his contumacy, and by his *ex parte* statements and his garbled quotations from standard books, of discipline, in which (letter therefore) he has practically separated himself from the Associate Church, and renounced Presbyterian Church government, and finally has sent in at this present meeting his declinature a second time, and all these charges, requiring proof, having been clearly proved, according to due course of order, therefore,

Resolved, that he be deposed from the office of the holy ministry, and discharged from exercising any part of the same, aye, and until he give satisfactory evidence of his repentance and reformation. And accordingly, we (the Associate Presbytery of Cambridge) hereby do in the name, and by the authority of our Lord Jesus Christ, depose the said Alexander Bullions D. D., from the office of the holy ministry, and prohibit him from exercising any part of the same, and excommunicate him with the lesser sentence of excommunication until he repent and return to his duty in submission to Pby. It was agreed that a fast day be observed in all the Congregations under the care of this Pby, and that the sentences of Messrs. Stalker and Bullions be read on that day, Thursday next week was appointed as the fast day both in Cambridge and N. Argyle. The day that is to be observed in the other congregations to be left to the discretion of their sessions respectively. It was agreed that the member appointed to Cambridge read the sentence and declare the congregation vacant. Mr. Miller was appointed to N. Argyle and Mr. Anderson to Cambridge. The session of Cambridge to meet on that day at 10, and the congregation at 11, A. M."

"Hebron, Wed. May 9th 1838. Pby met constituted with prayer by Mr. D. Gordon Moderator. Members present, Messrs. A. Gordon, Anderson, Miller, D. Gordon, ministers. James Reid, John Henry, ruling elders." "Fulfillment of appointments was inquired into and found to be substantially fulfilled. "A communication addressed to the Clerk of Pby purporting to be from the Ass. Congregation of Cambridge, and signed by James Coulter as chairman and Samuel McDoal as secretary was offered to Pby and agreed to be read. After reading, it was laid on the table for the present." "Took up the paper purporting to be from the Ass. congregation of Cambridge. It was agreed

that a committee be appointed to bring in a report on this paper to the meeting of Pby. in Phila. Mr. A. Gordon to be said committee."

"Phila. May 23rd, Wedn. 1838. Pby met," "constituted with prayer by the Moderator Mr. D. Gordon. Members present, Messrs. A. Gordon, Anderson, Miller, D. Gordon, ministers." Adam Darling, Gilbert Robertson, Andrew Martin, ruling elders." Read a report on a communication to Pby by the majority of Cambridge congregation, which report was laid over for further consideration." "Adjourned to meet in Salem on the 4th Wednesday of June.

"Salem, Wedn. June 27th 1838. Pby met, according to appointment, constituted with prayer by the Moderator, Rev. D. Gordon. Members present, Messrs. Anderson, Miller, D. Gordon ministers. John Reid, John Bishop, Wm. Dobbin ruling elders." "Mr. McKie, a commissioner from Synod being present, was invited to a seat in Pby." "Called for papers and the following were given in and read, viz: No. 1, A resolution by the Ass. congregation of Cambridge, appointed a committee, &c. No. 2, A paper by Dr. Bullions addressed to said committee. No. 3, A paper by the committee of Cambridge congregation containing demands of concessions from him, and his answers to them. These papers were laid on the table for the present." "It was agreed that John Robertson be assumed as a member of Pby from Cambridge." "The above papers No's 1, 2, 3, it was agreed to return to the committee of Cambridge congregation from which they came, as it appears there was some misunderstanding in their presentation, and as it appears the papers are not addressed to Pby, but are between the congregation, their committee and Dr. Bullions. Mr. James Lourie from the committee of the congregation of Cambridge, requested instruction from Pby with respect to their dealing with Dr. Bullions. In connection with this request, three resolutions, were proposed, discussed, and unanimously adopted, viz:

Resolved 1, That Dr. Bullions cannot be restored to his former standing with this Pby without full submission to the decisions of Pby and Synod in his case.

2. That Pby cannot recognize any of the members of Cambridge congregation, who adhere to Dr. Bullions in his non-submission, as in full communion and good standing with us, or entitled to the privileges of church membership, as long as they continue in their present course.

3. That those of the Ass. Congregation of Cambridge, who do not adhere to, nor support Dr. Bullions in his non-submission, but who adhere to the Pby. and Synod in their decisions in his case, be and they hereby are recognized as the organized Ass. Congregations of Cambridge. On motion, Resolved, that a copy of the above resolutions be given to the Ass. Congregation of Cambridge."

"S. Argyle, Tuesday, July 17th, 1838, Pby. met, constituted with prayer by the Moderator Mr. D. Gordon; Members present, Messrs. Anderson, Miller, D. Gordon, ministers, James Reid, John Bishop, John Robertson, elders."

"Took up unfinished business. A paper by the minority of Cambridge Congregation, but now recognized as the Ass. Congregation of Cambridge, was given in and read, and ordered to be kept on file. Mr. John Robertson asked advice for the session of Cambridge in their present circumstances. In answer to this request, it was agreed that the session be advised to meet, and that they be authorized to call on any members of Pby. to constitute the session as often as they may think it necessary."

A true Extract, (errors excepted.)

A. ANDERSON, *Pby. Clerk.*"

"EXHIBIT R."

Notice from Trustees of Associate Church in Cambridge, "forbidding occupancy" &c. as follows:—

"We the Trustees of the Associate Congregation of Cambridge in its name, and by its authority, and in the name and by the authority of the good people of the State of New-York, and by the authority in us vested by the laws of said State; forbid each and every of you the privilege of entering into and occupying our meeting-house, and shall hold every entry and occupancy as trespass upon our rights, and against the peace of the people of the State of New-York.

I certify the above to be a true copy of the paper read to the congregation.

JAMES SHILAND, *Clerk.*"

"EXHIBIT S."

Notice read to Congregation by Coms. of Synod. (See Robert Kerr's deposition) as follows:—

"June 17, 1838.

To the officers and members of the Associate Congregation of Cambridge:—

Dear Brethren,—We the undersigned, appointed by the Associate Synod of North America, to 'labor among you, and to as far as practicable, heal your divisions, hereby inform you that the deed of the Associate Presbytery of Cambridge deposing Alexander Bullions, D. D., from the office of the holy ministry has been affirmed by the Synod: and the Synod accordingly declare that he has no right to exercise his ministry under his protest. We ask you to receive us. We beseech you to pause before you throw open contempt on the authority of Christ's house. Inasmuch as we are excluded from the pulpit of this house by the vote of two Trustees, and the illegal possession of the individual who now occupies it, we call upon you to retire for the present from this house, and meet with us for public worship in the house of Mr. Wm. Robertson contiguous.

We also hereby notify this Congregation that a meeting of the members of the Associate Congregation of Cambridge is called to meet on Wednesday next in the church at 10 o'clock to hear us in relation to the grounds of the Synod's procedure, and to decide on the measures proper in the present condition of vacancy.

Your affectionate brethren,

ALEX. T. MCGILL,
JOSEPH MCKEE".

"EXHIBIT T."

Minutes of Congregation from June, '38 to Jan'y, '42. (See Wm. I Graham's deposition.) This Exhibit also contains extracts from the minutes previous, and is as follows:

A copy from the records of the managers or trustees of the Associate Congregation of Cambridge.

Cambridge, Feb'y 21st, 1802.

The congregation met according to intimation, Peter Robertson moderator, when an act of the State of New-York for incorporating Congregations and religious societies was read by the moderator. Voted that it was expedient to incorporate according to law.

Cambridge, March 10th, 1802.

The congregation met after having been regularly warned according to law by the Rev. Mr. John Banks, minister; in order to choose trustees so as to become a body incorporate, Peter Robertson, moderator. Voted the number to serve as trustees is six. John McClellan, Alexander Skellie, elders to inspect the votes.

James Irvine, Alexander Skellie, Sen'r., William Edie, Francis McLane, William Stevenson, Hugh Moor, *Trustees*.

The name that this Congregation shall be known by after this date is the Associate Congregation of Cambridge, adhering to the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America.

Voted to send a representation and petition to the Synod in order that they may take such measures as they shall think proper to settle some differences in this Congregation.

Cambridge, March 3d, 1803.

After the meeting was opened by prayer, and William Edie chosen Moderator, and Alexander Skellie, juur., chosen Clerk, William Grahams and John McClellan Inspectors of the votes of the meeting. James Irvine Chosen to fill up the seat he was formerly in as trustee. John Robertson is chosen to fill the seat of Alexander Skellie which places is vacant the tenth day of March instant.

In pursuance of us as witness our hands and seals.

Cambridge, March 8th, 1805.

The congregation being met according to intimation in order to elect two trustees to fill up the places of William Stevenson and Hugh Moor being the third class whose seats become vacant the sixteenth of this instant. Firstly, voted that John McClellan and James Edie be inspectors of votes; second, voted that Hugh Moor shall fill up his seat again, fourthly Voted that Alexander Livingston fill up the seat of William Stevenson.

This given under our hands and seals.

Cambridge, April 14th, 1809.

The Congregation met, Alexr. Livingston Moderator. Alexr. Skillie, Jr. Clark for the present meeting, then proceeded to choose officers for managing the affairs of the Congregation for the ensuing year which were as follows:

Robert Oliver, *Manager and Treasurer*.

Alexander Livingston, John Robertson, Samuel Green, John Shiland, Jr., Alexander Skellie, Jr., *Managers*.

Cambridge, May 29th, 1811.

The members of this Congregation met, according to a previous intimation from the pulpit, and after a sermon by the Rev. Alex. Bullions on Mal. II., 7, and after prayer, they chose James Hill for Moderator, and Robert Oliver, Clerk for the meeting. Proposals by the Rev. Joseph Shaw for laying a foundation toward raising a ministerial library in this congregation was laid before the meeting. A motion was then made to put the question whether or not this meeting will consent to raise a sum of money for the foresaid purpose. The question was put and carried in the affirmative, and next voted to raise it by subscription for this time. The meeting then agreed to appoint the Rev. Alex. Bullions, James Hill, William Stevenson, Herman Van Veckton and Robert Oliver, to be managers of the said library, and adopted the following rules and regulations concerning it.

Plan and regulations of the ministerial library of the Associate Congregation of Cambridge.

The Associate Congregation of Cambridge convened on due notification (as above mentioned) considering that, from small beginnings, great effects often follow, and believing it to be both their duty and interest, that their present minister and his successors be furnished with a suitable library, do cordially and thankfully accept of the donation of thirty-five dollars and forty cents from the Rev. Joseph Shaw, to assist them in beginning and increasing a library for the use and advantage of their present minister, and accordingly

agree to institute one for this purpose ; and for the more effectual accomplishment of the design of its institution, Resolve,

1st. That it is denominated the Ministerial library of the Associate Congregation of Cambridge.

2nd. The congregation shall annually choose five of their members of which the minister shall always be one, and in case of a vacancy the preacher shall supply his place who shall have the sole power of choosing, purchasing and inspecting the books and of managing all the concerns of the library.

3rd. These five managers shall elect out of their own member a librarian and treasurer who shall keep a correct catalogue of the books in the library and shall give annually to the Congregation on account of its state, and of the receipts and disbursements of money.

4th. The congregation shall Annually make a collection of Money either on a sabbath or week day, on which a sermon shall be preached, and the managers shall use their diligence in procuring donations of Money or Books, and both the money collected and given shall be wholly appropriated for the augmentation of the library.

5th. None of the books shall be lent to any except to students of divinity, residing in the congregation, but shall be for the use of the ministers, and if he or they lose or injure any of them they shall pay the price or replace it by another of the same kind, of equal value.

6th. The library shall be kept constantly in the manse, when there is a settled minister ; and during a vacancy, the managers may either continue it there or remove it to another place.

7th. If in divine providence a large party leave the congregation, the library shall remain their property who adhere to their present principles, and shall be held and possessed by the same persons who hold the other congregational property.

8th. That a subscription paper be immediately circulated through the congregation, and the names of subscribers and the sums subscribed by them, be recorded, and the money added to that given by Mr. Shaw, for commencing the library.

9th. That the five members before mentioned to be elected managers, shall continue till the meeting of the congregation in March, 1812, when the annual election shall be henceforth held.

Pursuant to publick notice, the Associate Congregation of Cambridge met on the 13th April, 1826 ; the meeting was opened with prayer by the Rev. Alexr. Bullions ; George Lowrie was chosen Moderator ; William Stevenson, Treasurer and Clerk.

The following resolutions were passed, viz : That Wm. McGeoch, James McNaughton and Wm. Stevenson be a committee to take advice of a lawyer, concerning the title papers of the Congregation, and if necessary, to make preparations for an act of incorporation.

Cambridge, Nov. 21, 1826.

The Associate Congregation of Cambridge met pursuant to publick notice given on the 5th day of the present month, and the sabbath next ensuing, by the Rev. Alexander Bullions, minister of said Congregation, being 15 days previous to this date, for the purpose of electing Trustees to renew the corporation in said Congregation. The meeting was opened with prayer by Mr. George Lowrie, who was also chosen Moderator. John McArthur, Jun. was chosen Clerk, *pro tem*, and John McClelland and Edward Lauderdale, Inspectors of Election—being elders.

Resolved, That the Congregation retain the name as formerly taken, March 10th, 1802.

Resolved, That six trustees be chosen, and that the following persons being regularly elected, serve as such trustees, viz :

First Class.	Second Class.	Third Class.
FRANCIS McLEAN, EDWARD SMALL.	JOHN ROBERTSON, Junr., WILLIAM STEVENSON.	GEORGE LOWRIE, WILLIAM McGEOCH.

Resolved, That this meeting be adjourned till the 2d Tuesday of April next,
GEORGE LOWRIE, *Moderator*.

JOHN McCLELLAND, }
EDWARD LAUDERDALE, } *Inspectors.*

JOHN McARTHUR, Junior, Clerk, *pro tempore*.

Pursuant to publick Notice, a meeting of the Associate Congregation of Cambridge was called and held at their meeting house, on the 26th day of December, 1831, for the purpose of taking into consideration the propriety of building a new meeting house, and a full meeting being convened at said Church, John Ashton was called to the Chair as Moderator of said meeting, and George Lowrie for Clerk, *pro tem*. It was then stated to the congregation, the propriety of building a new Church. After matters being fully considered, it was moved and seconded that we proceed to build a new church, and the vote was carried to that effect; to build a new brick church of the following dimensions, seventy feet long and fifty wide, and the height proportioned to the same: to be built of good merchantable Bricks, and good materials of all kinds. Said Building to be worth five thousand dollars when finished, and to be built on the same ground the yellow meeting house now stands upon, and that said building be finished by the first day of November, 1833, under the care and inspection of the trustees of said congregation.

And it was further resolved that the trustees now circulate a subscription paper for the purpose of raising the money to build said Church, and furnish a plan of said building, and estimate and report to the next meeting of the congregation, to meet on the 13th day of March next. Adjourned.

The Congregation met according to adjournment, on the 13th day of March, 1832, and approved of their former deed, and completed the subscription list to five thousand Dollars, and ordered the trustees in connection with the building Committee to proceed with the building: said committee was appointed at the previous meeting, viz: George Lowrie, G. W. Robertson, John Robertson, Wm. McGeoch and Wm. Stevenson, and as they had been instructed to go to Troy and look up a plan for said Church, report that they had done so, and agreed with Mr. F. McCray, for the specifications. It was understood that the building committee had power to see the money well managed that was raised by subscription for building the Church, and said Committee shall have power to make contracts and superintend the said building.

July 12th, 1838.

The Associate Congregation of Cambridge, in subordination to the Associate Synod of North America, being duly notified on the previous Sabbath, met at John Robertson's, tanner; William McGeoch was called to the chair, and William Stevenson chosen Clerk. The meeting was then opened by prayer by the Chairman. It was moved and seconded that the minutes of the Ass. Presbytery of Cambridge be read to this meeting. It shows that on the 27th of June last, the Presbytery does not recognize Dr. Bullions and the part of the congregation that follows him, to be in communion with the Associate

Presbytery of Cambridge, as will be seen by the minutes. It was moved and seconded the following resolutions:

Resolved, That this Congregation do raise by subscription the money to pay the supplies, which paper was subscribed by the members of the Congregation, to the amount of \$252.

Resolved, That the trustees be empowered to procure the Cambridge Washington Academy, for a place to preach in, and if it can not be obtained, then some other place for meeting in for the present year.

Resolved, That a copy of the extracts from the minutes of the Associate Presbytery of Cambridge be read to this meeting, which was done, and the following is a true copy. Extracts from the minutes of Pby, in Salem, June 27th, 1838. Mr. James Lourie being asked of Pby, instructions respecting their dealings with Dr. Bullions, the following resolutions were adopted:

First: Resolved, That Dr. Bullions cannot be restored to his former standing with this Pby, without full submission to the decisions of Pby and Synod in his case.

Secondly: That Pby cannot recognize any of the members of the Cambridge Congregation who adhere to Dr. Bullions in his non-submission, as in full communion and good standing with us, or entitled to membership or Church privileges as long as they continue in their present course.

Thirdly: That those of the Associate Congregation of Cambridge, who do not adhere to nor support Dr. Bullions in his non-submission to the courts, but who adhere to the Pby and Synod in their decisions in his case, be and are hereby recognized as the Congregation organized as the Associate Congregation of Cambridge, in full standing with this Presbytery.

A copy of Pby's minutes.

A. ANDERSON, *Pby Clerk.*

I hereby certify that according to the minutes of the Associate Pby of Cambridge, Dr. Bullions was by said Pby, deposed from the office of the Holy Ministry and the Communion of the Church, on the 12th day of April, 1838, (at South Argyle Church.)

A. ANDERSON, *Pby Clerk.*

Tuesday, Jany. 1st 1839.

The associate congregation of Cambridge in Subordination to the Associate Synod of North America being duly notified three several Sabbaths days by their Minister George M. Hall, previous to the day of meeting. Met at the Cambridge Washington Academy their stated place of worship. Mr. John Foster was called to the chair, and John Robertson Clerk pro-tem. It was moved and seconded that Edward Small and Wm. McGeoch Elders be the inspectors of the Election for new trustees to be chosen at this meeting to fill the seats of Messrs. William Robertson and James Shiland whose terms of office expires on the first day of April next. After the election was finished the Elders reported as the inspectors of said election that William McGeoch and William Robertson, was duly elected to fill the first class, to take their seats on the first day of April next. Also reported that James Hoy was chosen to fill the seat of James Coulter of the second class whose seat was vacated, for absentsing himself from the meetings of the trustees and from public ordinance as dispensed by the Ass't Pby of Cambridge in said Congregation and for neglecting to contribute any thing for the support of ordinances in the same. Also reported that John Robertson and Peter McArthur of the third class, were duly elected to fill the seats in room of Peter Hill and Robert McClellan whose places has become vacated, for the same delinquencies for which James Coulter was removed from office.

Resolved, That there be collectors appointed in each quarter of the congregation as formerly.

Resolved, That James Arnot, Isaac Ashton, Edward Small and John Arnot be the said collectors for the ensuing year. The above minutes were read to the meeting, and approved of by their vote, the meeting then adjourned.

JOHN ROBERTSON, *Clerk, pro-tem.*

The above minutes was read corrected and approved at the annual meeting of said congregation for 1842.

Tuesday, January 7th, 1840.

The Associate Congregation of Cambridge in subordination to the Associate Synod of North America being duly notified three Several Sabbath days by their minister supplying this vacancy. Mr. D. R. DeFreest and previous to the day of meeting the congregation met at the Cambridge Washington Academy their stated place of Worship. Mr. John Foster was chosen their Moderator and opened the meeting by prayer. It was moved and seconded that William Stevenson their former Clerk be continued. It was carried by the vote and consent of all present. It was then moved and seconded and voted that Edward Small and William McGeoch Elders be the inspectors of the Election for new trustees to be chosen at this meeting to fill the seats of James Hoy and William Stevenson of the second class whose seats will be vacant on the first day of April next. After the Election was over the Elders reported as the inspectors of said Election that James Hoy and William Stevenson was duly elected to fill the second class, to take their seats upon the first day of April next. Also reported that the legal notice for the Annual meeting of the congregation and the notice for election of trustees was duly read three several Sabbaths previous to the day of the annual meeting of said Congregation. It was moved and seconded that the collectors that was in last year be the collectors for the present year, viz: This vote was carried without any opposing vote against it. The collectors are as follows, viz: Edward Small, James Arnot, John Arnot, Isaac Ashton. The business above being finished it was then agreed this meeting stand adjourned till the first Tuesday of January, 1841.

WILLIAM STEVENSON, *Clerk.*

Tuesday, January 5th, 1841.

The Associate Congregation of Cambridge, in subordination to the Associate Pby of Cambridge and the Associate Synod of North America, being duly notified three several Sabbath days by their minister supplying in said congregation, Rev'd. David R. DeFreest, previous to the day of meeting, met at the Cambridge Washington Academy, their stated place of worship, John Foster was chosen Moderator, and William Hall was appointed Clerk *pro tem.* The meeting was opened with prayer by the moderator. The meeting then proceeded to the election of two trustees to fill the seats of John Robertson and Peter McArthur of the third class whose terms of office expire on the first day of April next. William McGeoch and Edward Small, Elders, were appointed Inspectors of said Election. After the election was over the Inspectors reported that John Robertson and Peter McArthur were duly elected as such trustees. Certificates were prepared, duly signed and sent to said trustees.

On motion resolved, that the sum of thirty dollars be paid as a donation to the trustees of the Cambridge Academy for the use of the upper room of said Academy, for the term of one year from the first of last June.

On motion resolved, that a committee of two be appointed to report to the trustees of Cambridge Academy the amount of their donation, and also that said committee be instructed to present the thanks of said congregation to said

trustees, and to request that the room in the Academy be at the service of said congregation as often during the week as would be practicable.

Resolved, that John Robertson, and Edward Small, be appointed said committee.

Resolved, that Edward Small be added to the committee to attend to the Chancery suit.

On motion resolved, that the sum of three hundred dollars be raised on the new subscription for one year or at that ratio until we get a minister settled among us, and if no such settlement takes place then said \$300 for one year.

Resolved, that Isaac Ashton, Edward Small, Robert McArthur, Robert Tilford and William I. Graham be appointed Collectors for one year.

On motion resolved, that the trustees be appointed a committee to inquire into the state of certain Bible funds of Mr. William Stevenson, the former treasurer of said funds, and certain book funds, and appoint a treasurer and report at the next meeting.

On motion resolved, that John Robertson be appointed treasurer and clerk of the congregation in room of William Stevenson,

Adjourned until the first Tuesday of January next.

JOHN FOSTER, *Chairman*.

WILLIAM HALL, *pro tem Clerk*.

Cambridge, Tuesday January 4th, 1842.

The Associate Congregation of Cambridge in subordination to the Associate Pby of Cambridge and the Associate Synod of North America "being duly notified three several Sabbath days by their ministers, viz: Mr. Archibald Reid the first Sabbath, Rev. James P. Millar the second, and the Rev. James Martin the third—supplying in said congregation—met at the Cambridge Washington Academy. Chose John Foster moderator and appointed Wm. I. Graham clerk *pro tem*. After the meeting was opened with prayer by the moderator, the meeting proceeded to read and correct the minutes of the annual meeting of January 1st, 1839, which being corrected was approved by a voto of the meeting. Also, the minutes of the annual meetings of January 7th, 1840, and of January 5th, 1841, were read and approved by a vote of the meeting. Also, read and approved the minutes of the followings of said congregation, to wit, one bearing date on Oct. 28th, 1840, another on July 19th, 1841 and another on October 5th, 1841.

The above minute comes in order on the book before the minute recording the election of Trustees, as will be seen by reference to the book.

The meeting then proceeded to the election of Trustees. On motion resolved, that William McGeoch and John Robertson, Elders, be the inspectors of said election of Trustees. After the election was closed, the inspectors reported that William McGeoch and William Robertson were duly reelected as trustees to fill the seats of the first class, and also that John Foster was duly elected to fill the seat of James Hoy (removed) of the second class.

IN CHANCERY:
BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, and others, }
vs.
ALEXANDER BULLIONS, and others. }

Statement of the Exhibits in this cause, produced on the part of the Defendants and marked by the Examiner, James Gibson, Esq.

"EXHIBIT A."

"A book of Church Government and Discipline, agreed upon and enacted by the Associate Synod of North America, at Pittsburgh, June 6th, 1817." (Proved, fol. 29, of the deposition of Thomas Goodwillie. In the testimony this Exhibit is commonly alluded to by calling it the "Book of Discipline.")

"EXHIBIT B."

"Resolutions passed by the Associate Presbytery of Cambridge, on the coming in of the report of Committee on the paper handed in by Dr. Bullions at" &c., and the Requisitions and Answers. (Proved, fol. 146, of the deposition of Rev. D. Gordon.) This Exhibit is contained in Exhibit Q, on part of Complainants.

"EXHIBIT C."

"Printed minutes of the Synod of North America, for the year 1830." (Proved, fol. 199, of the Rev. D. Gordon's Deposition.)

"EXHIBIT D."

"Printed minutes of Synod of North America for the year 1832." (Proved, fol. 200, of the Rev. D. Gordon's Deposition.)

"EXHIBIT E."

"Printed minutes of the Commission of Synod for the trial of causes between the Associate Presbytery of Cambridge and Dr. Bullions." (Proved, fol. 200 of the Rev. D. Gordon's Deposition.)

"EXHIBIT F."

"A citation to the Rev. David G. Bullions to appear before the Cambridge Presbytery. (Proved in fol. 59, of Rev. A. Stark's Deposition,) and is as follows:

MR. DAVID BULLIONS—Dear Sir:

At Hebron, August 3d, 1842, a deed was passed by the Associate Presbytery of Cambridge, according to the following minute, viz: Whereas it is credibly reported that Mr. David Bullions has accepted a call to a pastoral charge in connection with an association of men, under deposition by the Associate Church, thereby abandoning his profession and violating his vows at licensure, Presbytery resolve to cite him to appear before them at their meeting, at Salem, on the 3d Thursday (18th) of August, (inst.) at 11 o'clock, A. M., to answer for his conduct, and to suspend his licensure, which they hereby do, till his case be tried. You are hereby cited according to the above minute, fail not to attend.

Witnesses, Rev. Archibald Reid, John Tilford.

By order of Pby,
Hebron, Aug. 3d, 1842.

A. ANDERSON, *Pby Clerk.*

P. S. I hope you will remember that having received your licensure from the Associate Church, and being in the bounds of the Associate Presbytery of Cambridge, you are accountable to them.

A. A.

EVIDENCE

ON THE PART OF THE COMPLAINANTS,

TAKEN BY COMMISSIONERS, BY VIRTUE OF A COMMISSION, UPON INTERROGATORIES
AND CROSS-INTERROGATORIES ANNEXED THERETO.

COMMISSION.

The People of the State of New York,

To John L. Gow, James Watson and John H. Ewing, Esqr. of Washington, Wasnington County, State of Pennsylvania. Know ye, that we having full faith in your prudence and competency, have appointed you or any one or more of you commissioners, and by these presents do authorize you or any one or more of you to examine James Ramsey, D. D. Professor of Hebrew in Jefferson College; James Martin Professor of Hebrew and Didactic Theology as above; Thomas Beveridge, D. D. Professor of Ecclesiastical History and Biblical Literature as above; and Alexander T. McGill, Professor of Ecclesiastical History in the Western Theological Seminary of the Presbyterian Church in Alleghany, Alleghany County Pennsylvania, as witnesses in a cause pending in our Court of Chancery, wherein William Stevenson and others are Complainants, and Alexander Bullions and others are Defendants; on the part of the Complainants on oath to be by you administered upon interrogatories annexed to this commission; to take and certify the depositions of the witnesses and return the same according to the directions hereto annexed.

Witness, REUBEN H. WALWORTH, Chancellor of our said State, at the City of Albany, the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and forty two.

JOHN M. DAVISON, Register.

J. CRARY, Sol'r for Compl'ts.

The execution of this commission appears in certain schedules hereto annexed:.

JOHN L. GOW, }
JAS. WATSON. } Commissioners.

DIRECT INTERROGATORIES BY COMPLAINANTS.

Interrogatories to be administered to witnesses to be produced sworn and examined in a certain cause now pending in the court of Chancery for the State of New-York wherein William Stevenson, William Robertson, William McGeech, Edward Small, James McArthur, John McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster and William Livingston, are complainants and Alexander Bullions, James Coulter, James Shiland, Robert McClellan and Peter Hill together with the Associate Congregation of Cambridge of the County of Washington and State of New-York adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America are defendants under a commission issued out of such court directed to John L. Gow, James Watson and John H. Erving, Esqrs. of Washington, Washington County Pennsylvania, commissioners on the part of the Complainants.

First Interrogatory—What is your name, occupation and place of residence?

Second Interrogatory—Do you know the parties Complainants and Defendants in the title of these interrogatories named, or any or either of them and for how long have you known them? declare the truth fully.

Third Interrogatory—Are you now and how long have you been a minister of the Associate Church?

Fourth Interrogatory—Are you or not acquainted with the history, faith, practice, doctrines and government of the Associate Church, referred to in the Complainants' bill of complaint annexed to these interrogatories, and if so, declare the truth fully?

Fifth Interrogatory—Is or not the history of the Associate Church, as stated in the said bill of complaint, correct? Declare the truth according to the best of your knowledge, remembrance, information and belief.

Sixth Interrogatory—Is or not the Associate Church governed by a Presbyterian form of Church government, and its members bound to submission and obedience on pain of expulsion? Declare the truth and your knowledge therein.

Seventh Interrogatory—Are you or not acquainted with the Church judicatories stated in the said bill of complaint? and if so, are they correctly stated therein? and what do they consist of? and are or are not their powers and duties correctly stated and set forth in the said bill of complaint, so far as they are therein stated?

Eighth Interrogatory—Are or are not the doctrines, government, discipline, faith and practice of the Associate Church correctly set forth in the said bill of complaint, so far as therein stated?

Ninth Interrogatory—Was you or not a member of the Associate Synod of North America in 1838, and present when Dr. Bullions' case came before said Synod?

Tenth Interrogatory—Are you or not acquainted with the minutes of the Presbytery of Cambridge in the case of Dr. Bullions, before said Presbytery, from Oct. 5th, 1837, when he was suspended, to April 12th, 1838, when he was deposed, and did you hear them read in Synod when his deposition was confirmed?

Eleventh Interrogatory—Is it or not necessary to prove a contempt of court or an offence committed in the presence of the Court, or may the court proceed upon their own knowledge?

Twelfth Interrogatory—Does it or not appear from the minutes of said Presbytery, that they resolved to rebuke Dr. Bullions without first having ascertained his offence?

Thirteenth Interrogatory—What is the nature and effect of a protest and appeal, and when ought it to stop all further proceedings in the case appealed from, according to the discipline of the Associate Church?

Fourteenth Interrogatory—In what instances may a court lawfully proceed in the trial and issuing of a case, notwithstanding a protest and appeal has been taken against a resolution to rebuke or suspend, and what can the court still proceed to do, (if the case of a minister) and if still contumacious and impenitent, how high a censure could they inflict?

Fifteenth Interrogatory—Was or not there any protest and appeal brought by Dr. Bullions before Synod, and what statement if any, was made by the Presbytery of Cambridge, and what admission, if any, was made by Dr. Bullions relative to his having fallen or not fallen from all or any of his protests and appeals?

Sixteenth Interrogatory—How did this case come into Synod, and is or not

the manner fully set forth in the minutes of Synod for the year 1838, and at that time under the circumstances, in what if in any other way could the case have been taken up by Synod?

Seventeenth Interrogatory—Did or not the Presbytery of Cambridge act legally and in accordance with the discipline and practice of the Associate Church in proceeding to the higher censures of suspension and deposition in Dr. Bullions' case notwithstanding his protest and appeal against their decision to rebuke and the protest not admitted in the first instance?

Eighteenth Interrogatory—According to the government, practice and discipline of the Associate Church, is or is not each Church court the Judge of the competency of its own members, and can or cannot the court the members acting from their own knowledge, without other testimony, exclude from voting in any matter before the court any member or members for relationship, or partiality?

Nineteenth Interrogatory—Was it or not improper to connect Messrs. Goodwillie and Pringle, in the same resolution when neither were competent Judges?

Twentieth Interrogatory—Did or did not Dr. Bullions, or any of the members of the Presbytery of Cambridge who were prevented voting in the Doctor's case, protest and appeal against their exclusion or carry this decision of Presbytery before Synod for review?

Twenty-first Interrogatory—Is a member of Presbytery competent to sit in Judgment and vote upon the trial of any one on whose case he has previously formed and expressed an opinion either as to his guilt or innocence?

Twenty-second Interrogatory—Whether or not can any thing not objected to in Presbytery, nor appealed from to Synod, be a ground of objection elsewhere, according to the law and practice of the Associate Church?

Twenty-third Interrogatory—Was it or was it not any offence if any what for Dr. Bullions to make the charges he did against some member or members of the Cambridge Presbytery, on the fifth Oct. 1837, according to their minutes, and when required by Presbytery to give the names, refused to do so, deny his words and say Presbytery might censure him till they were tired?

Twenty-fourth Interrogatory—Did this or not necessarily disqualify such member or members thus not named, from sitting and voting in his case when he was called by Presbytery to answer for such slander and contempt, or would they be disqualified from so doing, when named by Dr. Bullions?

Twenty-fifth Interrogatory—Was Dr. Bullions' declinature of the authority of the Presbytery of Cambridge a warrantable or an unwarrantable declinature, according to the discipline of the Associate Church?

Twenty-sixth Interrogatory—Is or is not an unwarrantable declinature, a degree of contumacy, which may warrantably be censured with deposition, according to the government, discipline and practice of the Associate Church?

Twenty-seventh Interrogatory—Was or not Dr. Bullions, and his Congregation, bound to submit to the decisions of suspension, and deposition by his Presbytery against him, until reversed, or was he not bound to submit, till after this deed was confirmed by Synod; or is he bound at all to submit according to his ordination vows, and the principles and discipline of the Associate Church, and the word of God?

Twenty-eighth Interrogatory—According to the law and discipline of the Associate Church as often as parties submit their grievances to the decisions of the Synod, whether upon appeal from a Presbytery or otherwise, is or is not the decision of that body final and conclusive upon the parties, and also on the whole Associate Church?

Twenty-ninth Interrogatory—Is it or not according to the discipline of the Associate Church to depose a minister in his absence if he refuse or neglect to attend after legal citation ?

Thirtieth Interrogatory—Is it or not required by the discipline of said church, in all cases, to give three citations, especially if the accused expressly refused to attend, or that ten days should elapse between such citation ?

Thirty-first Interrogatory—What, if any thing was Dr. Bullions and his congregation and the whole church bound to in respect to submitting to the decisions of Synod in his case, whatever his or their conscientious belief might be with respect to the justice of it ?

Thirty-second Interrogatory—Is it or is it not true, as stated by Andrew Stark, that there was no evidence before the Presbytery of Cambridge against Dr. Bullions ?

Thirty-third Interrogatory—Is it or is it not true, as stated by Andrew Stark, that neither Dr. Bullions nor his congregation were bound by the decision of Synod in his case ?

Thirty-fourth Interrogatory—Is it or not true, as represented by Andrew Stark, that the principles of the Associate Church obliged Dr. Bullions to continue to preach in the Associate Church under his protest, notwithstanding the decision of Synod against him upon his own opinion that such decision was wrong ?

Thirty-fifth Interrogatory—What is the nature of a protest taken against the decision of Synod the highest court in the church ?

Thirty-sixth Interrogatory—Was or was not the protest of Dr. Bullions, as appears in the printed minutes of the Synod of June, 1839, (pages 23 and 24,) any thing more than a simple protest, and if any thing more, what was it ?

Thirty-seventh Interrogatory—It is represented by Andrew Stark, that it was considered an honor, in the seceders of the 16th century, to protest against the decision of Synod, and continue to exercise their ministry under their protest, and thus vindicate the word of God—Is this or not the case of Dr. Bullions ?

Thirty-eighth Interrogatory—Did or did not Synod, as stated by Andrew Stark, depart from all the usages and practices of the Associate Church in their decision on the case of Dr. Bullions ?

Thirty-ninth Interrogatory—Did or did not the Synod depart from any of the usages and practices of the Associate Church in their decision on the case of Dr. Bullions ?

Fortieth Interrogatory—Did or did not the Synod, as represented by Andrew Stark, virtually abrogate or set aside the right of protest, and appeal by their decision in Dr. Bullions's case ?

Forty-first Interrogatory—Was or was not protesting and appealing the alleged offence for which Dr. Bullions was suspended and afterwards deposed as represented by Andrew Stark ?

Forty-second Interrogatory—Was or was not the pastoral relation between Dr. Bullions and his congregation justly resolved, according to the word of God and the standards of the Associate Church by the Associate Synod in the confirmation of his deposition by Presbytery ?

Forty-third Interrogatory—Was it or was it not any, and if any, what offence in his congregation to employ Dr. Bullions as their minister after he was deposed, and his pastoral relation to them dissolved ?

Forty-fourth Interrogatory—Was it or was it not a profanation of the ordinance of Christ, and an abjuring and repudiating the form of Presbyterian Church government and the authority of the Church Courts for a congregation thus to employ a deposed minister, and are they or not, by so doing, equally transgressors with him ?

Forty-fifth Interrogatory—Was it or was it not a breach of the vows they came under when they joined the church, and of the implied compact they entered into when they became members of the congregation as a congregation under the care and inspection of the Associate Church, and a fraud practiced upon those of the congregation who feel bound by their solemn vows, by the law of God and of the church to adhere to their former principles, and be subordinate to the lawful authority of the church to which they had professed to belong?

Forty-sixth Interrogatory—Are, or are not, Dr. Bullions and those who adhere to him still in good standing in the Associate Church, or can they, or can they not be admitted to fellowship in said Church, according to its principles while they continue in their present course?

Forty-seventh Interrogatory—What, if anything did Dr. Bullions' protest or declinature taken against the decision of the Synod confirming his deposition give him a right to do in respect to preaching or enjoying any privileges in the Church?

Forty-eighth Interrogatory—In what standing, if any, did Mr. Erskine and others still continue in the established church of Scotland, after they were deposed by that church?

Forty-ninth Interrogatory—State the difference between the cases of Dr. Bullions and Mr. Erskine if any?

Fifty-third Interrogatory—What if any is the right and duty of Synod as often as the Pastoral connexion between the minister and congregation is dissolved by Presbytery and confirmed by Synod, in respect to appointing such commissioners when divisions or difficulties exist to heal such divisions and reconcile such difficulties among the members of the congregation?

Fifty-fourth Interrogatory—What if anything, is the duty of such congregation and their trustees in respect to receiving such commissioners and opening to them the doors of their church to afford them such facilities of communication to and with the church and congregation as will enable such commissioners to carry into effect the benevolent and charitable intentions of Synod towards such congregation?

Sixty-second Interrogatory—Was it or not, consistent with the powers invested in Presbyteries for the Associate Presbytery of Cambridge to pass the deed in Exhibit K, here following set forth.

IN CHANCERY.

BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.* }
vs.
ALEXANDER BULLIONS, *et al.* }

Exhibit "K," on part of Complainants in the above entitled cause, produced and marked Oct. 22d, 1841.

Before me JAS. GIBSON,
Examiner in Chancery

EXHIBIT "K."

Extracts from the minutes of Presbytery, Salem, June 27th, 1838.
James Lourie from the committee of the congregation of Cambridge, read instruction from Presbytery with respect to their dealings with Dr. Bullions.
"In connexion with this request these resolutions were proposed, and unanimously were adopted, viz:—

1st. Resolved, That Dr. Bullions cannot be restored to his former

with the Presbytery, without a full submission to the decisions of Presbytery and Synod in his case.

2d. That Presbytery cannot recognize any of the members of Cambridge Congregation who adhere to Dr. Bullions in his non-submission, as in full communion and good standing with us, or entitled to the privileges of church membership as long as they continue in their present course.

3rd. That those of the Associate Congregation of Cambridge who do not adhere to nor support Dr. Bullions in his non-submission, but who adhere to the Presbytery and Synod in their decisions in his case, be and hereby are recognized as the organized Associate Congregation of Cambridge.

Signed, A. ANDERSON, *Pby. Clk.*"

I certify the within to be a true copy of Exhibit K, on part of the Complainants in this cause.

JAS. GIBSON, *Examiner in Chy.*

Sixty-third Interrogatory—What did this deed of the Presbytery in Exhibit K, authorize the members of the session who continued subordinate, to do in respect to the other members of session and congregation of Cambridge, who were insubordinate?

Sixty-fourth Interrogatory—What were this session, thus recognized by their Presbytery bound to do, according to the principles of the Associate Church, and the powers vested in sessions, after this deed of Presbytery was passed in respect to their authority to call before them any member or members either of session or congregation, who were charged with insubordination by adhering to Dr. Bullions, and attending on his ministrations?

Sixty-sixth Interrogatory—What is the censure due to those who continue insubordinate by adhering to a deposed minister, and employing him as their minister, according to the principles and discipline of the Associate Church?

Sixty-seventh Interrogatory—Who have a right, according to the principles of the Associate Church, to vote for the election of Trustees?

Sixty-eighth Interrogatory—In congregations in the Associate Church, where Trustees are appointed, do they or do they not act in part or in whole in the room of deacons, and are or are not any eligible to the office of Trustees, but members in full communion, according to the word of God and the principles and standards of the Associate Church, and are or not the laws of the Associate Church the same on these subjects in the State of New York, as elsewhere?

Sixty-ninth Interrogatory—Is or is not the lesser office in the Church included in the greater, and have or have not the elders cognizance and jurisdiction over the deed and acts of the deacons or Trustees as such, and are or are not the Trustees accountable to the Church for their conduct as officers in the Church, according to her standards?

Seventieth Interrogatory—Had or had not the Synod the right to send Messrs. McGill and McKie to preach in the Associate Church at the time they did, and for the purposes they were sent, without reference to the wishes of a majority of said congregation?

Seventy-first Interrogatory—Were or were not the Elders, Trustees and Congregation bound to receive said Commissioners? according to their vows, they came under when they joined the church, and according to the principles and practice, discipline and government of the Associate Church, or had the Trustees a right to close the church doors against them?

Seventy-second Interrogatory—If church courts are fallible and liable to err are or are not they also fallible and liable to err that condemn them? and who

are the legally constituted judges to decide which are right according to the word of God and the standards of the Associate Church?

Seventy-third Interrogatory—Is it or is it not a departure from the principles of the Associate Church for any one belonging thereto to declare in substance that he never could agree to testify against the united Secession Church in points wherein that church differs from the Associate Church?

Seventy-fourth Interrogatory—It has been stated by Andrew Stark, a witness in this cause, that he knew the Associate Synod of North America make a decision one year and reverse it the next, and then reverse the latter decision the succeeding year. Is this true? and if so, in whose case and under what circumstances was it done?

Seventy-fifth Interrogatory—It has been stated by the witness, Andrew Stark that Messrs. Anderson, Gordon, Miller and others on page 33 of the minutes of Synod of June, 1838, accused the Synod of asserting an untruth or misrepresentation and many other things as bad. Is this true? and if so under what circumstances was it done?

Seventy-sixth Interrogatory—Is it or is it not true as represented by Andrew Stark that the original seceders would have held their churches if they had not voluntarily given them up?

Seventy-seventh Interrogatory—Is it or is it not true as represented by Andrew Stark, that after Messrs. Marshal and Clarkson, were deposed the one was excluded from his Church, because a majority of his Congregation was against him, and the other retained his because a majority of his Congregation was with him. State what you know on this subject, or quote authorities?

Seventy-eighth Interrogatory—Have or have not Dr. Bullions and those other deposed ministers who join with him in Church fellowship, departed from the principles, discipline or government of the Associate Church? Give their names.

Seventy-ninth Interrogatory—Are you acquainted with the work called the Associate Presbyterian Magazine, edited by Rev. P. Bullions, D. D., and if so is or is not the doctrine, faith and practice, maintained therein, a departure from the doctrine, faith and practice of the Associate Church in any, and in what respects?

Eightieth Interrogatory—Is or is not this said Magazine, the organ of the new Synod, formed by deposed ministers, from the Associate Church?

Eighty-first Interrogatory—Have you read the answers of Dr. Bullions and the Trustees of the Associate Congregation of Cambridge, to the bill of complaint in this cause, and if so have you deliberately considered their contents?

Eighty-second Interrogatory—Are said answers true or false as far as relates to the doctrines, government, discipline, faith and practice of the Associate Church, and in the things wherein they contradict what is stated in the Pliffs' bill filed in this suit?

Eighty-third Interrogatory—Has or has not as represented by Andrew Stark, the Associate Synod of North America, altered any in their doctrines, government, discipline, faith or practice since you became a member of that body, or have they now a different way of proceeding against persons accused, from what they formerly had?

Eighty-fourth Interrogatory—Have the Associate Synod any power to declare authoritatively the doctrine, law, government, discipline and faith of the Associate Church?

Eighty-fifth Interrogatory—Have or have you not as represented by Andrew Stark, ever known the Associate Synod to find an individual guilty, and in-

flit censure without proof or evidence of his guilt? have you been in the habit of attending the annual meetings of the Associate Synod, and if so how often and for how long time? and could or could not such a thing have taken place without your knowledge since you became a member of said court?

Eighty-sixth Interrogatory—In what way did the case of the Presbytery of Vermont come before the Synod, and was it not regularly brought before that court, and had they jurisdiction in the case, and were or were not the proceedings of Synod legal and regular according to the rules and discipline of the Associate Church?

Eighty-seventh Interrogatory—Was or was not the Presbytery of Vermont regularly suspended for trial, by the Associate Synod in May, 1839, and did or did not their own report made to Synod, furnish sufficient proof?

Eighty-eighth Interrogatory—Was it or not right for the members of the Presbytery of Cambridge to vote in Synod, in the case of the Presbytery of Vermont?

Eighty-ninth Interrogatory—On trial of the Presbytery of Vermont, the next year after their suspension, did or did not the Synod adjudge that said Presbytery did not deserve suspension at that time?

Nintieth Interrogatory—Were or were not the Presbytery of Vermont Justifiable in attempting to restore Dr. Bullions, as they did according to the moral law, and the standards of the Associate Church, or the powers vested in Presbyteries according to the fundamental principles of Presbyterian Church government?

Ninety-first Interrogatory—If a minister is suspended from the exercises of his office and the communion of the Church, by his Presbytery, and from his continual obstinacy and insubordination it afterwards becomes necessary for said Presbytery to depose him, is or not it customary and proper to connect the lesser sentence of excommunication, with the sentence of deposition?

Ninety-second Interrogatory—If Dr. Bullions had been considered by Synod as under the greater sentence of excommunication, as represented by Andrew Stark, would, or it have been right and proper for said Synod to have referred him back to the Presbytery of Cambridge for further dealing? and did or not they refer him back to said Presbytery for further dealing?

Ninety-third Interrogatory—If Dr. Bullions had been under the greater sentence of excommunication, and were it proper under such circumstances to refer the deposed back to Presbytery, had or not the Presbytery of Vermont a right to restore him, he being deposed by a co-ordinate Presbytery and referred back to said Presbytery by Synod?

Ninety-fourth Interrogatory—Have or have not the Associate Synod of N. America been in the habit of inflicting censures, disproportioned to the offence charged, as represented by Andrew Stark?

Ninety-fifth Interrogatory—Was or not David Bullions a licentiate in the Associate Church, and at what time did he receive his licence, and how did his appointment run for the first year or till the next meeting of Synod?

Ninety-sixth Interrogatory—Did or did not the said Associate Synod give the said David Bullions appointments again at their next in May 1842?

Ninety-seventh Interrogatory—Have you seen or read the proceedings of the Presbytery of Cambridge, in relation to the conduct of Mr. David Bullions and the censure inflicted on him by that Presbytery for accepting a call in his father's congregation, and for joining in a body with his father and other deposed ministers and leaving the principles and fellowship of the Associate Church?

Ninety-eighth Interrogatory—Had or not the Presbytery of Cambridge ju-

isdiction in his case ? and had they not a legal right to try and censure him for such conduct, according to the discipline and government of the Associate Church ?

Ninety-ninth Interrogatory—Is or not Mr. David Bullions any longer a minister or member of the Associate Church in good standing ? or has he or not a right to officiate as a minister in said church ?

One hundredth Interrogatory—In how far may the book of discipline of the General Assembly of the Presbyterian Church be received as authority in the Associate Church ?

One hundred and first Interrogatory—How are these words in one of the ordination vows to be understood, viz : “ Remembering that, while they act uprightly they judge not for men but for the Lord who is also with them in the judgment,” does this clause limit the submission or enforce it ?

One hundred and second Interrogatory—Where did the Associate Synod of N. America meet in 1841 and 1842, and at what time of each of these years did it meet ?

One hundred and third Interrogatory—Did or did not said Synod meet at any other time or place in either of those years, viz : 1841 and 1842 ?

One hundred and fourth Interrogatory—Did or not the Associate Synod of N. America ever meet in Cambridge, Washington County, New-York ?

One hundred and fifth Interrogatory—Is or not there any other body claiming to be the Associate Synod of N. America, and if so, who are the ministerial members of that body ?

One hundred and sixth Interrogatory—Were any or all of these ever members of the Associate Church, or are they now or in what relation to the Associate Church do they now stand ? state fully their standing and declare the truth fully.

One hundred and seventh Interrogatory—Does or not the conscientious belief of suspended or deposed ministers in the Associate Church, in any respect, affect their standing in said church ? or does or does not their belief at all affect the justice or binding nature of the sentence ? declare the whole truth fully.

One hundred and eighth Interrogatory—Have or have not the Associate Synod, of which you are a member, in any respect departed from their former principles ?

One hundred and ninth Interrogatory—Have or have not those suspended and deposed ministers which you have named, and which have formed a separate body departed from the fellowship, principles, discipline and government of the Associate Church ?

One hundred and tenth Interrogatory—It has been stated by Andrew Stark, as a witness in this cause in substance that the part of the Presbytery of Albany, to which Mr. Stark belonged, was suspended by the Associate Synod for maintaining that six was a greater number than three or other words that the Synod decided that the three members that retired were the Presbytery, and that the six members who remained in session were not the Presbytery. Is this true or not ? if not, how is it ? declare the truth fully.

Lastly—Do you know of any matter or thing or have you heard or can you say any thing touching the matters in question in this cause that may tend to the benefit and advantage of the said Complainants in this cause, besides what you have been interrogated unto ? Declare the same as fully and at large as if you had been particularly interrogated thereto.

J. CRARY, *Solicitor, and of Counsel for Compl'ts.*

The following are the only interrogatories to be put to the witness, Alexander T. McGill, and are not to be put to any other witness.

First Interrogatory—What is your name, occupation and place of residence?

Second Interrogatory—Do you know the parties, Complainants and Defendants, in the title of these interrogatories named, and any or either of them, and for how long have you known them? Declare the truth fully.

Fiftieth Interrogatory—Were you a ministerial member of and present in the Associate Synod on or about the first June, 1838, and were you and Joseph McKie the persons appointed by Synod, under the resolutions passed on that day to the following effect? Resolved, That two ministers be sent forth with by this Synod to the congregations of the deposed and suspended ministers, to labor among them, and as far as possible heal their divisions, to remain three or four weeks, and their expenses be defrayed from the Synod's fund." Messrs. A. T. McGill and McKie were appointed accordingly.

Fifty-first Interrogatory—Was or not the Associate Congregation of Cambridge one of the Congregations intended and referred to in the said resolution?

Fifty-second Interrogatory—Had or had not the said Synod, on the same first day of June, and before passing the said resolution appointing the said commissioners, affirmed the decision of the Presbytery of Cambridge, by which the Rev. Alexander Bullions, D. D., was deposed, and the pastoral connection between him and the Congregation of Cambridge dissolved? Declare the truth fully.

Fifty-fifth Interrogatory—Did you as such commissioners, visit the Associate Congregation of Cambridge, and make known to Dr. Bullions, his elders, deacons and trustees the object of your visit, and if so what was the reception you received from them respectively? Relate the whole truth with the length of time such visit continued, and whether you were prevented from preaching in the Associate Church of said Congregation, and if so, how and by whom? What was the spirit in which your visitations were conducted with Dr. Bullions, also with the Trustees, and all others of the said Associate Church, with whom you had intercourse, friendly, and with a view to reconciliation or otherwise? relate the whole truth and your knowledge therein.

Lastly—Do you know of any matter or thing, or have you heard, or can you say any thing touching the matters in question in this cause that may tend to the benefit and advantage of the said Complainants in this cause, besides what you have been interrogated unto? Declare the same as fully and at large as if you had been particularly interrogated thereto.

J. CRARY, *Sol'r. and of Counsel for Complainants.*

The foregoing Interrogatories are allowed and the objections thereto overruled.—Dated, March 24th, 1843.

J. W. PROUDFIT, *Master in Chancery.*

CROSS INTERROGATORIES BY DEFENDANTS.

Interrogatories to be administered by way of cross examination to witnesses to be produced and sworn and examined on the part of the Complainants in a certain cause now pending in the court of Chancery, for the State of New York, wherein William Stevenson, William Robertson, William McGeoch, Edward Small, James McArthur, John McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John

Robertson, Thomas McMorris, James Hoy, John McDoul, Isaac Ashton, John Foster and William Livingston, are complainants; and Alexander Bullions, James Coulter, James Shiland, Robert McClellan and Peter Hill together with the Associate Congregation of Cambridge of the County of Washington and State of New-York adhering to the principles of the Associate Presbytery of Pennsylvania formerly, now the Associate Synod of North America are defendants under a commission issued out of said court directed to John L. Gow, James Watson and John H. Ewing, Esqrs. of Washington, Washington County Pennsylvania, commissioners on the part of the Defendants. The eighteenth and last cross-Interrogatories, only to be put to the Rev. Alex. T. McGill, and the eighteenth to be omitted to the rest of the witnesses.

First cross-Interrogatory—How do you know whether the history of the Associate Church, as stated in the said bill of complaint, referred to in the fifth direct Interrogatory is correct or not? Whence is your knowledge derived, and what published books or standard in the Church do you refer to, to support your answer? Name them particularly by their title or other description, with the page, chapter or section, or other reference. Is it not a matter of opinion merely based on the authorities to which you refer, whethersaid history is correct or not, or how or why is it not, and do not members or those claiming to be members of the Associate Church, differ in opinion with you on that subject? Are there not various opinions in the church respecting it?

Second cross-Interrogatory—What authorities or standard or works in the Associate Church, do you refer to in support of your answer to the eighth direct Interrogatory? Name them and each of them, and state the page, chapter and section, or other reference in each particular work? Is your answer merely matter of opinion based on the authorities to which you refer, and do not some members of the Associate Church or those claiming to be members or some of them differ with you in that opinion?

Third cross-Interrogatory—Did you ever see the original minutes of the Presbytery of Cambridge, referred to in the tenth direct interrogatory? did you ever read them or any part of them? If yea, when and where? do you know anything respecting said minutes except what you heard read, or stated at the meeting of Synod, referred to in said tenth direct interrogatory, and can you state now from recollection whether you are acquainted with the minutes of said Presbytery or not? Can you swear and do you swear that you are acquainted with all the minutes of said Presbytery, touching or appertaining to the case of Dr. Bullions? If yea, state at what time said minutes commence, and what is first stated on said minutes throughout from meeting to meeting, on the subject of his trial, through its different stages, from the commencement to the end, without reference to said minutes. Have said minutes or any portion or part of them, or any copy or copies thereof or papers purporting to be copies thereof been exhibited to you on this examination, or a short or any time previous thereto? If yea, who exhibited them to you, and when and where were they exhibited. State the same fully and particularly.

Fourth cross-Interrogatory—To what books or standard in the Associate Church do you refer in support of your answer to the eleventh direct interrogatory? name the same and the page, chapter or section, as before required?

Fifth cross-Interrogatory—To what books or standard do you refer, in support of your answer to the thirteenth direct interrogatory, if the books of discipline of the Associate Church, narrative or other standard name and cite the page, chapter and section, as before required. Is your answer mere matter of opinion based on the authorities to which you refer, and don't some members of the Associate Church or those claiming to be members, or some of them differ in opinion on this subject?

Sixth cross-Interrogatory—In like manner as before, name and cite the authorities to which you refer in support of your answer to the fourteenth direct interrogatory. Is your answer to that interrogatory matter of opinion based on such authorities, or how else is, or can be your answer supported? state particularly how you know the matter to be as stated by you in answer to said interrogatory.

Seventh cross-Interrogatory—You are inquired of in the fifteenth direct interrogatory as to admissions made by Dr. Bullions at the meeting of Synod relative to his protests and appeals. Did not Dr. Bullions say at the time to which you are referred in that interrogatory that he had duly protested and appealed from the decision of Presbytery, but that he had been induced to delay prosecuting his appeals in consequence of the hope and assurance which had been held out that all difficulties would be settled at the *pro re nata* meeting of Presbytery, and that he had been induced after the *pro re nata* meeting to delay from time to time, still with the hope that said difficulties would be adjusted, but that he had always at each meeting insisted upon his right of protest and appeal to Synod in case said difficulties were not settled or adjusted, or to the like purport or effect or in substance? State particularly all he said at the time.

Eighth cross-Interrogatory—How can you know or determine whether the Presbytery of Cambridge acted legally and in accordance with the discipline of the Associate Church in Dr. Bullions' case, in respect to the matters inquired of in the seventeenth direct interrogatory, not having the minutes nor proceedings of Presbytery before you? Is your answer matter of opinion, and on what is it based? Do members of the Associate Church or those claiming to be such differ in opinion on this subject? Are there not members of that church or those claiming to be such who differ with you on these subjects?

Ninth cross-Interrogatory—State the authorities or books to which you refer in support of your answer to the 18th direct interrogatory, particularly as before required. Is it in accordance with the discipline and government of the Associate Church, to exclude a member of a church court on mere motion or resolution without evidence or any opportunity given to the excluded member of being heard or explaining the charges made against him, or calling upon him to answer or explain such charge? Whose right is it to object to a member of a church court sitting in a particular case? State the authority to which you refer in support of this answer as before.

Tenth cross-Interrogatory—How do you know that Messrs. Goodwillie and Pringle were neither of them competent judges? Were their cases alike? Were they placed precisely under the same circumstances? Name the authorities to which you refer in support of your answer to the 19th direct interrogatory.

Eleventh cross-Interrogatory—State and cite the authorities in support of your answers to the 21st, 22d, 23d, 24th, 25th and 26th direct Interrogatories, particularly as before required. Are your answers to these several interrogatories matters of opinion, and do you differ from others of the church on those subjects?

Twelfth cross-Interrogatory—Is a member or minister or congregation bound to submit to the decisions of a church court right or wrong? If yea, cite and state your authorities as before required.

Thirteenth cross-Interrogatory—Is the decision of a Synod or church court binding when not made in accordance with the word of God, and the standard of the church, and are members bound to submit to such decision? If yea, state your authorities particularly as before. State your authorities and ref-

ferences in particular in support of your answers to 27th, 28th, 29th, 30th and 31st direct interrogatories particularly as before required.

Fourteenth cross-Interrogatory—What was the evidence against Dr. Bullions referred to by you in your answer to the 32d direct interrogatory? To what authority or books or standard do you refer in your answer to the 33d direct interrogatory? Is your answer mere matter of opinion based on those authorities? And is it your opinion that Dr. Bullions and his congregation were bound by the decision of Synod in his case? And do not others in the church or those claiming to be members of the church differ with you in opinion? Does Mr. Stark differ in opinion with you on the subject, and may you not be mistaken as well as he?

Fifteenth cross-Interrogatory—State your authorities or give your references particularly as required before in support of your answers to the 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42d, 43d, 44th, 45th and 46th direct interrogatories. Are your answers to these several interrogatories matters of opinion, or why and how are they not mere opinions, and do not others in the church differ with you in opinion?

Sixteenth cross-Interrogatory—How do you know whether Mr. Erskine and others still continued in good standing or not after they were deposed? Have you any other knowledge than that which you derive from the history of the church at that day? And is your answer matter of opinion formed from reading that history or how otherwise?

Seventeenth cross-Interrogatory—State your authorities or give your references particularly as before required in support of your answers to the 53d and 54th direct interrogatories.

Eighteenth cross-Interrogatory—(To the Rev. Alexander T. McGill.) Did you attend the meeting of the Presbytery of Cambridge referred to in your answer to the 55th and other direct interrogatories? If nay, how do you know what took place at that meeting of Presbytery? Do you derive all your knowledge from others? and if so, from whom?

Nineteenth cross-Interrogatory—State your authorities, or give your references particularly as before required in support of your answers to the 63d, 64th, 65th, 66th, 67th, 70th, and 71st direct interrogatories. Are your answers to said several interrogatories, matters of opinion based on those authorities or references? If nay, why or how are they not? Do not others differ with you, on the subject who are Church members, or who claim to be members of the Church? and may you not be mistaken in opinion, as well as they?

Twentieth cross-Interrogatory—What is the particular office of a deacon in the Associate Church? Is his office of a spiritual nature? What are his particular duties? State your authority or reference in support of your answer to this cross-interrogatory, from the standards of the Church fully and particularly as before required.

Twenty-first cross-Interrogatory—According to the principle and discipline of the Associate Church, can a minister be imposed on a Congregation without and against their consent? Can a Presbytery or Synod interfere in the erection of a Church edifice or building, and direct as to the manner and fashion and cost of its erection? At whose expense is a Church edifice, or building or buildings and improvements erected and made, and whose right is it to build and direct in building and who has the control of such buildings after they are erected? the Congregation or the Synod or Presbytery? Have Presbyteries or Synods any care over the temporalities of the Church? Is it in accordance with the principles of the Associate Church, that the civil laws, or laws of the land, shall yield to the decisions of the ecclesiastical tribunals

when pronounced by such tribunals in the Associate Church? State particularly your authorities and references, from the standards of the Church as before required, in support of your answer to this cross-interrogatory.

Twenty-second cross-Interrogatory—If Church courts are fallible and liable to err, are not they also fallible and liable to err that support or approve of their decision? and may you not err in opinion, in supporting such decisions, as well as those who condemn them?

Twenty-third cross-Interrogatory—Are your answers to the 76th, and 77th direct interrogatories matters of opinion, formed from reading the history of the original seceders, or how otherwise are you enabled to answer those interrogatories? State your references for such answers particularly as before required.

Twenty-fourth cross-Interrogatory—How do you know the work shown to you as the Associate Presbyterian Magazine, and to which you are referred in the 79th direct interrogatory as having seen, or being acquainted with, is correct or a true copy of that work? Where have you seen said work? Who exhibited it to you? Produce the copy or a copy of said work, and have it marked as an exhibit, that it can be returned by the commissioners with this commission. Is your answer matter of opinion, and may you not be mistaken in opinion as well as the authors of that work? And are not many of the articles argumentative answers to articles on the same subjects, which have been published and exist in a work entitled the Religious Monitor? Was Chancey Webster the author of many or some of the said articles referred to in the Religious Monitor? Was he the editor of the said Religious Monitor at the time said articles were published? Is he the said Chancey Webster, now a member of the Associate Church in good standing? And if not, why is he not? and for what cause is he not? Detail the cause and the reasons particularly. If he has been deposed or suspended, or is not now in good standing in the Church for maintaining erroneous doctrines in the Church. May he not also have erred in opinion when he was editor of the Religious Monitor? Does the said Chancey Webster now differ with you in opinion as to how far it is right and proper to submit to the decisions of Church Judicatories? Do you believe that a member is bound to submit to the decisions of a Church judicatory right or wrong? And does Mr. Webster differ with you in opinion and do many other members of the Associate Church, or claiming to be members differ with you in opinion on that subject? State your authorities in support of your answers to the 84th, 85th, 86th, 87th, 88th, 90th, and 91st direct interrogatories.

Twenty-fifth cross-Interrogatory—How do you know whether the answers of the Defendants in this case referred to in the eighty-second direct interrogatory are true or false? Is it mere matter of opinion and what authorities and references do you quote in support of your answer to that interrogatory? State the same fully and why if not your answer is not matter of opinion. Do not the Defendants differ or claim to differ with you in opinion on the subject of said answer, and do not others in the church or claiming to be members of the Associate Church differ with you in opinion, or claim to differ with you in opinion on these subjects, and may you not be mistaken in opinion as well as they, and "Who art thou that judgest another?"

Twenty-sixth cross-Interrogatory—Why are the words quoted in the one hundred and first direct interrogatory as part of one of the ordination vows inserted at all in said vow, if they neither limit or enforce the submission? Are they merely words without meaning? If nay, state their meaning and effect fully. Are they considered by all members of the Church, or by all

claiming to be members of the Associate Church as immaterial and of no force and effect? If nay, how are they considered? State your references and authorities particularly as before required.

Twenty-seventh cross-Interrogatory—Did you vote in all cases with the majority when Dr. Bullions' case was on trial or hearing before the Synod and in all cases and on all questions relative to said trial against Dr. Bullions, and also did you vote against the Presbytery of Vermont on all questions arising upon their trial, and when they were suspended, and is your name recorded among the ayes and noes in the minutes of Synod at these times?

Twenty-eighth cross-Interrogatory—(To the Rev. Mr. Martin.) Were you a member of the Presbytery of Albany when Mr. Stark was such member and was you one of the three who seceded and went out of that Presbytery at the time spoken of by Mr. Stark and to which you are referred in the one hundred and tenth direct interrogatory? Were you formerly the editor or one of the editors of the Religious Monitor, and was you the author of all or some or any of the articles published in that work condemning or censuring Dr. Bullions, Mr. Stark and others? Or what articles on the subject of Dr. Bullions', Mr. Starks', Mr. Stalker's and Mr. P. Bullions' cases were you the author of? Are you on friendly terms with Dr. Bullions and Mr. Stark? Are you the author of and have you purchased and published a sermon or article maintaining and supporting the doctrine that a member of the Associate Church is bound to submit to the decisions of a church court right or wrong? or to that import or effect? Or what is the tenor and subject of said sermon or article? Do you differ with many members of the Church, or many claiming to be members of that Church, in opinion on the subject discussed in your sermon or article? and may you not be mistaken in opinion as well as they? When did you leave Albany, and how long before you left it, did you cease to have any intercourse or friendship whatever with Dr. Bullions?

Last cross-Interrogatory—(To all.) Do you know of any matter or thing or have you heard or can you say any thing touching the matters in question in this case that may tend to the benefit and advantage of the said Defendants besides what you have been interrogated unto? Declare the same as fully and at large as if you had been particularly interrogated thereto.

B. BLAIR, *Solr. for Defts.*

C. L. ALLEN, *of Counsel.*

The foregoing cross-Interrogatories are allowed and the objections thereto over-ruled.

J. W. PROUDFIT,

Master in Chancery.

We certify that on the 15th day of May, 1843, at the Clerk's office in the Borough of Washington, being the day and place appointed for executing the Commission to us directed we attended to execute the same, and we further certify that Jno. L. Gow and James Watson attended on that day and all the successive days throughout the examination, and that John H. Ewing Esqr. attended only on the first day, being prevented by other engagements and absence from town.

JNO. L. GOW, }
JAS. WATSON, }
JNO. H. EWING, }
 Commissioners.

Messrs. Jas. Watson and John H. Ewing, Esqr.,—Gentlemen, you will please take notice, that you are named and appointed commissioners in a commission issued out of Chancery, in the State of New-York, in the case of William Stevenson, *et al.* and Alexander Bullions, and that the said commission will be ex-

cuted on the 15th day of May current at the Clerk's office, (court house,) in Washington at ten o'clock of said day.

JOHN L. GOW,

One of the Commissioners named, 6th May, 1843.

We acknowledge service of the foregoing paper upon us severally this 6th May, 1843.

J. H. EWING,

JAS. WATSON.

Depositions of witnesses produced, sworn, or affirmed and examined the 15th day of May, A. D., 1843, at the Clerk's office, in the borough of Washington, County of Washington, and State of Pennsylvania, under and by virtue of a commission, issued out of the Court of Chancery of the State of New York, in a certain cause therein depending and at issue between Wm. Stevenson, William Robertson, William McGeoch, Edward Small, James McArthur, John McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, John Arnot, Edward Cook, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster and William Livingston, are Complainants, and Alexander Bullions, James Coulter, James Shiland, Robert McClellan and Peter Hill, together with the Associate Congregation of Cambridge, of the County of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Defendants.

Thomas Beveridge, D. D., Professor of Ecclesiastical History and Biblical Literature in the Theological Seminary of the Associate Presbyterian Church at Cannonsburgh in the County of Washington and State of Pennsylvania, aged forty-six years, being duly and publicly sworn on part of the plaintiffs, doth depose and say as follows, to wit :

1st. To the first Interrogatory he saith—My name is Thomas Beveridge, and I am a minister of the Gospel and Professor of Ecclesiastical History and Biblical Literature in the Theological Seminary of the Associate Presbyterian Church, and I reside at Cannonsburgh, in Washington County, State of Pennsylvania.

2d. To the second Interrogatory he saith—I do know all or nearly all of the persons named both as Plaintiffs and Defendants in the title of these interrogatories named, and have known most of them from childhood, having been born and raised within the bounds of the congregation named.

3d. To the third Interrogatory named he saith—I am now, and have been, for more than twenty-two years an ordained minister of the Associate Church.

4th. To the fourth Interrogatory he saith—I am acquainted with the history, faith, practice, doctrines and government of the Associate Church, referred to in the Complainants' Bill of Complaint. Said Church is Presbyterian in her form of government, and holds without essential difference the same principles of government and discipline with other Presbyterian denominations, and particularly the Church of Scotland from the corrupt judicatories of which she seceded, but not from her principles.

5th. To the fifth Interrogatory he saith—I believe the History of the Associate Church as stated in the said Bill of Complaint is correct, according to the best of my knowledge, remembrance, information and belief.

6th. To the sixth Interrogatory he saith—The Associate Church is Presbyterian in government, and her members, like those of any other well regulated society, are bound to obedience, and in case of obstinate resistance must necessarily be expelled.

7th. To the seventh Interrogatory he saith—I am acquainted with the church judicatories stated in the said bill of complaint and they are correctly stated therein. They consist of Sessions, Presbyteries and Synods ; and their powers and duties are also correctly stated in the said bill.

8th. To the eighth Interrogatory he saith—The doctrines, government, discipline, faith and practice of the Associate Church are correctly set forth in the said bill of complaint.

9th. To the ninth Interrogatory he saith—I attended the Synod of the year 1838, as a member, and was present when the case of Dr. Bullions was tried before the said Synod.

10th. To the tenth Interrogatory he saith—I heard the minutes referred to in this interrogatory read in the Synod when the deposition of Dr. Bullions was confirmed.

11th. To the eleventh Interrogatory he saith—It is not necessary that a contempt of court or an offence committed before a court should be proved by witnesses. The court may proceed upon their own knowledge. It is not necessary in such a case that there should be a libel citation ten days' notice, &c. as in other cases.

12th. To the twelfth Interrogatory he saith—The statement which Dr. Bullions made respecting certain members of the Presbytery was a charge founded upon common fame, which charge he also insinuated was in his estimation true. This being made in open court in would have been preposterous to seek to prove it by other testimony than their own knowledge. The decision to rebuke, Dr. Bullions was according to the best of my recollection for contempt of court in slanderous insinuations and expressions openly made in the presence of the Presbytery aforesaid.

13th. To the thirteenth Interrogatory he saith—A protest and appeal when admitted by an inferior court carries the case before the superior court, and stays all further proceedings in the case appealed from. Perdivan form of process, chapter 5, last section.

14th. To the fourteenth Interrogatory he saith—Cases may occur in which it may be warrantable to refuse a protest and appeal ; as for example, when its language is indecent, its statements grossly false when it relates to something which is essential to the continued action of the court, or to some grievous scandals which could not be tolerated during the pendency of an appeal. When an appeal is not admitted the court may proceed to try the accused, and his means of redress is by appealing from the rejection of his appeal which is always to be admitted, and if sustained brings before the superior court the whole merits of the case. Ass. book of discipline, art. 12, paragraph 2d ; Presbyterian discipline, chap 7th, sec. 3d, item 15. In cases of contumacy of a minister, Presbyteries may proceed to depose.

15th. To the fifteenth interrogatory he saith—There was no protest or appeal brought by Dr. Bullions before Synod ; but the case came before the Synod by memorial and complaint of Dr. Bullions. The Presbytery had a right to object to this, as he had appealed, and agreeably to rules of discipline had fallen from his appeal, and had given no notice of his intention to complain. The Presbytery however did not insist on their right, but consented that the memorial and complaint should be heard. So that the case came regularly before the Synod. As to admissions by Dr. Bullions I do not now recollect.

16th. To the sixteenth Interrogatory he saith—The case came before Synod in the manner stated in my last answer. And the manner is fully set forth in the minutes of Synod of 1838. I dont know of any other way in which the case could be legally taken up than as stated in answer to interrogatory 15, which was by consent of Presbytery, adjourned to meet at the same place

on the 20th June next. All the commissioners present at the first meeting.
20th June, 1843: Commissioners, Jno. D. Gow and James Watson present
Examination continued.

17th. To the seventeenth Interrogatory he saith—The Presbytery of Cambridge acted legally and in accordance with the discipline and practice of the Associate Church, in proceeding to the higher censures of suspension and deposition against Dr. Bullions, notwithstanding his protest and appeal against their decision to rebuke him, as the case was one requiring immediate action, and as they in consequence of this refused to admit his protest.

18th. To the eighteenth Interrogatory he saith—Each church court in the Associate Church must judge of the competency of their own members, and may from their own knowledge without other testimony, exclude from a vote in any particular cause, any member for relationship or partiality.

19th. To the nineteenth Interrogatory he saith—When objection is made against one individual, it is not proper that another, against whom the same objection is made, should vote in the case.

20th. To the twentieth Interrogatory he saith—They did not protest and appeal, or if they did, such protest and appeal did not come before Synod.

21st. To the twenty-first Interrogatory he saith—He is not.

22d. To the twenty-second Interrogatory he saith—It cannot.

23d. To the twenty-third Interrogatory he saith—The conduct mentioned in the Interrogatory was slanderous and contemptuous to the court.

24th. To the twenty-fourth Interrogatory he saith—Such charges did not disqualify the members of Presbytery from sitting and acting in the case of Dr. Bullions, while they were not named, nor after they were named unless they were to be put on trial for the alleged slanders.

25th. To the twenty fifth Interrogatory he saith—I do not certainly know that I have seen or heard the declinature alluded to, if it be the one presented to Presbytery at Hebron February 7th, 1838. But from the account of its contents given by the Presbytery it would appear to be a declining of his own Presbytery as not his lawful Judges, and so unwarrantable. Perdivan, 13, iv, title 5, sec. 9th.

26th. To the twenty-sixth Interrogatory he saith—It may ; see Perdivan as above.

27th. To the twenty-seventh Interrogatory he saith—Doctor Bullions and his Congregation were bound to submit to the sentence of suspension and deposition by the Presbytery against him until reversed or confirmed by Synod, and to this submission he was bound by his ordination vows, in the manner set forth in the interrogatories.

28th. To the twenty-eighth Interrogatory he saith—Any grievance being submitted to the decision of Synod, the decision of that body is final and conclusive upon the parties and the whole Associate Church.

29th. To the twenty-ninth Interrogatory he saith—It is.

30th. To the thirtieth Interrogatory he saith—Ordinarily three citations should be given but not always, as when the person peremptorily refuses to attend. Ten days should intervene between the first and second citation, but the same number of days is not necessary afterwards. Perdivan.

31st. To the thirty-first Interrogatory he saith—They were bound to submit notwithstanding their conscientious belief of the injustice of them.

32nd. To the thirty-second Interrogatory he saith—It was not true as the whole Presbytery were witnesses of what was said in their presence by Dr. Bullions.

33d. To the thirty-third Interrogatory he saith—It is not true.

34th. To the thirty-fourth Interrogatory he saith—Doctor Bullions was not obliged to preach under the circumstances stated in the interrogatory.

35th. To the thirty-fifth Interrogatory he saith—A protest against the deed of Synod is a solemn declaration of disagreement with that deed, but if the person presenting it continue in the fellowship of the church, it does not warrant him to refuse submission to the said deed.

36th. To the thirty-six Interrogatory he saith—The protest of Dr. Bullions referred to in this interrogatory was accompanied with a declinature of the authority of Synod, and an abandonment of the Associate Church.

37th. To the thirty-seventh Interrogatory he saith—The case of Dr. Bullions is materially different from that of the first seceders in the eighteenth century. They contended for the public cause of religion against error in doctrine and oppressions of the people. Dr. Bullions' case is altogether personal affecting himself only.

38th. To the thirty-eighth Interrogatory he saith—They did not.

39th. To the thirty-ninth Interrogatory he saith—I have no recollection of any such departure of the Synod in the case of Dr. Bullions as would at all affect the validity of their decisions,

40th. To the fortieth Interrogatory he saith—They did not.

41st. To the forty-first Interrogatory he saith—It was not.

42d. To the forty-second Interrogatory he saith—It was.

43d. To the forty-third Interrogatory he saith—It was insubordination and contempt of Presbytery and Synod.

44th. To the forty-fourth Interrogatory he saith—It was a profanation of the ordinance of Christ, and an abjuring and repudiating of the form of Presbyterian Church government and the authority of the church courts for a congregation thus to employ a deposed minister, and they thus make themselves partners in his guilt.

45th. To the forty-fifth Interrogatory he saith—The act of the congregation was such as is described in the interrogatory.

46th. To the forty-sixth Interrogatory he saith—They are not in good standing in the Associate Church, and cannot be admitted to her fellowship, according to her principles, while they continue in their present course.

47th. To the forty-seventh Interrogatory he saith—The protest of Dr. Bullions could not give him a right to preach or enjoy any privilege in Associate Church, and its being accompanied by a declinature, might justly be regarded as an intimation on his part that he viewed his connexion with the Associate Church as dissolved.

48th. To the forty-eighth Interrogatory he saith—They did not continue in good standing in the established church of Scotland after they were deposed, but exercised their ministry in a state of secession.

49th. To the forty-ninth Interrogatory he saith—The case of Dr. Bullions is altogether different from that of Mr. Erskine. Mr. Erskine was tried for his adherence to the public cause of truth—Dr. Bullions for personal immoralities—Mr. Erskine submitted to be rebuked before the General Assembly of the Church of Scotland, and only protested that he should have liberty to complain of those acts of the church against which he had already testified. Dr. Bullions refused to be rebuked and declined the authority of his Presbytery. Mr. Erskine seceded before he was deposed, and the main ground of his deposition was his having seceded and exercised his ministry in a state of separation from the established church. Dr. Bullions was deposed for immoralities, and since deposition claims to be a minister of the church, which has deposed him. Mr. Erskine seceded that he might maintain Presbyterian principles in

their purity. Dr. Bullions that he may maintain the principle of congregational and individual independency.

53d. To the fifty-third Interrogatory he saith—It is the right and duty of Synod in such a case, to appoint some one or more to give intimation of such deed, in the manner set forth in the interrogation.

54th. To the fifty-fourth Interrogatory he saith—It is the duty of the congregation and Trustees, to receive such commissioners, to open the doors of their Church, and afford them the facilities mentioned in the interrogatory.

62d. To the sixty-second Interrogatory he saith—It was consistent with the power of the Presbytery of Cambridge, to pass the deed described in Exhibit K, attached to this interrogatory.

63d. To the sixty-third Interrogatory he saith—It authorized the members of the session, who continued subordinate to act as the session of the Associate Congregation of Cambridge.

64th. To the sixty-fourth Interrogatory he saith—The deed of the Presbytery was sufficient to exclude from the session and congregation, such as refused submission to the deed of Synod confirming the deposition of Dr. Bullions. It however pertained to the session, recognized by the Presbytery to determine and declare who were guilty of insubordination; and they might call before them those who were charged with this offence and apply the deed of Presbytery by formally excluding them from communion.

66th. To the sixty-sixth Interrogatory he saith—If ministers, they should be deposed; if other members, they should be suspended or excommunicated. See *Perdivan*, book iv. title 4th, sec. 17th.

67th. To the sixty-seventh Interrogatory he saith—None but members in full communion.

68th. To the sixty-eighth Interrogatory he saith—Trustees are not recognized as officers of the church according to the discipline of the Associate Synod; but when they are elected agreeably to charter rules they act in the place of deacons; and none are considered eligible to this office but such as are in full communion; and the laws of the Associate Church in the state of New York are the same on this subject as elsewhere.

69th. To the sixty-ninth Interrogatory he saith—The greater office in the church implies the lesser; the elders have a cognizance and jurisdiction over the deacons or trustees as such, who are bound to obey their directions, and are accountable to the session for their official conduct.

70th. To the seventieth Interrogatory he saith—They had.

71st. To the seventy-first Interrogatory he saith—The trustees, elders and congregation were bound to receive the commissioners; and had no right to close the doors against them.

72d. To the seventy-second Interrogatory he saith—Church courts are fallible and liable to err, and those also who condemn them; but it is obvious that the court is to judge the accused, and not the accused the court.

73d. To the seventy-third Interrogatory he saith—It is.

74th. To the seventy-fourth Interrogatory he saith—He does not know of the Associate Synod's having acted as alleged by Andrew Stark. In the case of Andrew Stark to which it is supposed he refers he was convicted of various immoralities and suspended. The next year, agreeable to his own request and that of others, the Synod agreed to review their deed respecting him, and the following year it was reviewed and confirmed.

75th. To the seventy-fifth Interrogatory he saith—Messrs. Anderson, Gordon and others in the paper referred to do not accuse the Synod of asserting an untruth or misrepresentation, &c.; but they say of a certain decision relat-

ing to Mr. Stark, that it asserts an untruth; it misrepresents, &c.; that is, in the way of argument or conclusion from certain premises in the opinion of the protesters not warranting the deed against which they protest.

76th. To the seventy-sixth Interrogatory he saith—The original seceders were violently excluded from their church by the civic authority, and did not voluntarily give them up.

77th. To the seventy-seventh Interrogatory he saith—In the case of Mr. Marshal, those who held the church, did not plead or obtain it on the ground of their being a majority, but because Mr. Marshal had, as they alleged, been deposed from the ministry by those of his brethren who had formed the union. Much use was also made of his being subordinate to a foreign church; Mr. Clarkson held his church, because those who favored the union in opposition to him gave him no trouble. See memoirs of Rev. William Marshal, p. p. 32, 34. Marshal's vindication and other authorities.

78th. To the seventy-eighth Interrogatory he saith—Dr. Alexander Bullions, Dr. Peter Bullions, Messrs. Andrew Stark, Archibald White, H. H. Blair, D. Stalker, Thomas Goodwillie and Wm. Pringle, have departed from the principles, discipline and government of the Associate Church.

79th. To the seventy-ninth Interrogatory he saith—I have read the two first volumes of the Associate Presbyterian Magazine, and have seen several numbers of the third volume. I think the doctrine, faith and practice maintained therein a departure from the doctrine, faith and practice of the Associate Church, particularly in regard to the subordination which is due to Church or Ecclesiastical Courts.

80th. To the eightieth Interrogatory he saith—I believe it to be so from the prospectus of the work.

81st. To the eighty-first Interrogatory he saith—I have read and deliberately considered them.

82d. To the eighty-second Interrogatory he saith—Said answers are in several respects not agreeable to the doctrines, government and discipline, faith and practice of the Associate Church, particularly wherein they contradict the Plaintiffs' Bill filed in this suit.

83d. To the eighty-third Interrogatory he saith—No such alteration has taken place since I have been a member of that body in any material thing.

84th. To the eighty-fourth Interrogatory he saith—They have.

85th. To the eighty-fifth Interrogatory he saith—I have been in the habit of attending the annual meeting of Synod for about twenty-two years; have not been absent except at two or three meetings. I have never known the Synod to find an individual guilty, and to inflict censures *with* evidence or proof of his guilt. I think such a thing could not have occurred without my knowing it.

86th. To the eighty-sixth Interrogatory he saith—The case of the Presbytery of Vermont came before the Synod, regularly upon the complaint of the Presbytery of Cambridge. The Synod had jurisdiction in the case, and the proceedings of the Synod were legal and regular.

87th. To the eighty-seventh Interrogatory he saith—The Presbytery of Vermont was regularly suspended for trial, and their own report made to Synod furnished sufficient proof of their guilt.

88th. To the eighty-eighth Interrogatory he saith—The Presbytery of Cambridge not being parties in the case had a right to vote in Synod in the case of the Presbytery of Vermont.

89th. To the eighty-ninth Interrogatory he saith—The Synod did not so adjudge, but appointed a commission to deal with them to rebuke and restore them in the event of their submission or suspend the members or the Presbytery, should they refuse submission.

90th. To the ninetyeth Interrogatory he saith—The Presbytery of Vermont was not justifiable in attempting to restore Doct. Bullions, had his standing been good, he could not have been received as a member of the Presbytery of Vermont, seeing he and his Congregation were within the bounds of another Presbytery and had never been attached by the Synod to the Presbytery of Vermont, the act of that Presbytery in restoring him was null and void, as being by an incompetent Judge (Perdivan, Book 4, title 5, sec. 6.) The Synod had referred Dr. Bullions, to his own Presbytery, and the Presbytery of Vermont had no jurisdiction in the case. The act was also contrary to a rule of Church government, which discharges inferior judicatories from reposing minister deposed by the superior, (Perdivan, Book 4, title 4th, sec. 21st.) "Sentences of superior judicatories should stand effectual till they be taken away by themselves." Offences should also be restored by the same authority which censure them. Ass. Ref. discipline Ch. 4, sec. 9 and 11.

91st. To the ninety-first Interrogatory he saith—It is customary in the case mentioned, to connect with the sentence of deposition the sentence of the lesser excommunication.

92nd. To the ninety second Interrogatory he saith.—The Synod did refer Doct. Bullions to the Presbytery of Cambridge, for further dealing which they would not have done had he been placed under the sentence of the greater excommunication.

93rd. To the ninety-third Interrogatory he saith.—The Presbytery of Vermont, had no such right under the circumstances stated.

94th. To the ninety-fourth Interrogatory he saith.—They have not.

95th. To the ninety-fifth Interrogatory he saith—Mr. David Bullions, was licensed to preach in 1841, and appointed in various western Presbyteries till March, 1842, then "discretionary" April and May.

96th. To the ninety-sixth Interrogatory he saith—They did.

97th. To the ninety-seventh Interrogatory he saith—I have read or heard the said proceedings of the Presbytery of Cambridge.

98th. To the ninety-eighth Interrogatory he saith—The Presbytery of Cambridge had jurisdiction in his case, and had a legal right to try and censure him.

99th. To the ninety-ninth Interrogatory he saith—Mr. David Bullions is not now a minister or member of the Associate Church in good standing, nor has he a right to officiate as a minister in said Church.

100th. To the Hundredth Interrogatory he saith—Said book of discipline is authority, so far as it sets forth the same rules and order of procedure as Presbyterian bodies in general.

101st. To the one hundred and first Interrogatory he saith—The clause referred to does not limit, but enforce submission.

102nd. To the one hundred and second Interrogatory he saith—The Associate Synod met on the fourth Wednesday of May, 1841, at Washington, Pennsylvania, and on the fourth Wednesday of May, 1842, at Xenia, Ohio.

103rd. To the one hundred and third Interrogatory he saith—Said Synod met at no other times or places in said years, of 1841 and 1842.

104th. To the one hundred and fourth Interrogatory he saith—They did not.

105th. To the one hundred and fifth Interrogatory he saith—There is such a body and the members thereof are named in the foregoing interrogatory at No. 78, so far as I know except David Bullions, and perhaps one other.

106th. To the one hundred and sixth Interrogatory he saith—All those known to me with the above exception or exceptions have been ministers of the As-

sociate Church, but have been suspended, or deposed, and are no longer ministers of said Church, and are not recognized by her as having any right whatever to exercise the office of the ministry.

107th. To the one hundred and seventh Interrogatory he saith—Such conscientious belief does not in any respect effect the standing of such ministers in the Associate Church, nor does it effect the justice or binding nature of the sentence.

108th. To the one hundred and eighth Interrogatory he saith—They have not.

109th. To the one hundred and ninth Interrogatory he saith—They have.

110th. To the one hundred and tenth Interrogatory he saith—The statement made by Andrew Stark, referred to is a mere caricature of the proceedings of Synod as the minute will show.

Lastly he saith—I know nothing further material to this cause.

1st. To the first cross-Interrogatory he saith—I know the history of the Associate Church as set forth in the bill of complaint, to be correct from different works relating to the history of said Church, such as "Wilsons defence," "Gibb's display," the original publications quoted in "Gibb's display" mentioned 1st vol., page 17 and 18, Narration and testimony of the Associate Church McKerrows history of the secession, and other works. My knowledge of these things is not a matter of opinion merely, but belief founded on well authenticated historical documents. I am not aware of any material difference of opinion among persons well acquainted with the subject, whether members or claiming to be members of the Associate Church.

2nd. To the second cross-Interrogatory he saith—The authorities on which my answer to the 8th direct interrogatory, is based, are especially the "Westminster confession of faith," the testimony of the Associate Church, and her book of discipline enacted in 1817. I could not conveniently refer to all the authorities, required in this and other questions, by page, chapter, section, &c., but would mention the 30th and 31st chapters of the confession and the formula for ordination, my answer is not a mere matter of opinion, but certain knowledge and fixed belief. Others claiming to be members may differ in opinion with me, but of the extent and weight of their opinions I cannot say.

3rd. To the third cross-Interrogatory he saith—I do not know that I have seen the original minutes of the Presbytery of Cambridge, referred to in the tenth interrogatory, but heard them read in Synod, during the trial of Doctor Bullions. I have seen extracts both written and printed of said minutes, and am acquainted with the said minutes, and can swear that I am acquainted with all the minutes of said Presbytery connected with the case of Doctor Bullions, so far as material to the merits of the case. In reply to the latter part of the cross-interrogatory, I refer to a copy of said minutes furnished me by A. Anderson, Clerk of the said Presbytery, some months since. I have them now before me, and attach them to my deposition as part of my answer. I have not memorized these proceedings, so as to detail them "*totidem verbis*," but am acquainted substantially with all that is therein detailed, and as the best answer to the interrogatory, transmit the said copy herewith.

4th. To the fourth cross-Interrogatory he saith—I have not the books to refer to further than I have already referred in my answer to the direct interrogatories. On this subject I would refer to the common rules and regulations of all courts, civil and ecclesiastical.

5th. To the fifth cross-Interrogatory he saith—The first part of this inter-

rogatory I have answered in reply to the said 13th interrogatory. Some persons claiming to be members, profess to differ from me in opinion, but I am confident in my belief of the correctness of the rule referred to.

6th. To the sixth cross-Interrogatory he saith—I refer as an answer to the direct interrogatory to Ass. book of discipline, art. 12th. My answer is not a matter of opinion, but a reference to a clearly established rule,—a rule also obviously necessary.

7th. To the seventh cross-Interrogatory he saith—Dr. Bullions may have made the statements mentioned in this cross-interrogatory, although I do not recollect them. I have answered this interrogatory as fully as I can, in my answer to the direct interrogatory.

8th. To the eighth cross-interrogatory he saith—I have a copy of the minutes of the Presbytery referred to, as already stated. My answer is not matter of opinion, but firm belief, and based on the obvious necessity and propriety of the course adopted. I believe the respondents in this case differ with me in opinion on this and many other matters set forth, or profess to do so.

9th. To the ninth cross-Interrogatory he saith—I refer to Perdivan already cited: but cannot give the precise chapter and book; but thinks he has already given. It is not in accordance with the discipline and government of the Associate Church to exclude a member in the manner set forth in the cross-interrogatory. They may be excluded on mere motion or resolution, but not without evidence or opportunity of being heard. Any member may object to another sitting in a particular case. The authority for this answer is the book of discipline in general.

10 h. To the tenth cross-Interrogatory he saith—I know that Messrs. Goodwillie and Pringle were not competent judges because the Presbytery so determined on good and sufficient grounds. Their cases were alike and they were both set aside on account of similar circumstances, to wit: near relationship and partiality. I cannot now refer to an authority in support of my answer to the nineteenth interrogatory; but am confident that by rules of discipline and obvious propriety, persons should not be allowed to judge in the case of another while standing themselves in the same circumstances.

11th. To the eleventh cross-Interrogatory he saith—I have no authorities to cite beyond those already quoted in my direct answers, and refer to my former answers, as to matters of opinion; and I do not know that I differ from other members of the church on those subjects.

12th. To the *eleventh* cross-Interrogatory he saith—Persons are bound to submit in a personal cause to decisions which may be wrong and injurious; but are not bound to such submission wherein injury is done to the public cause of religion. I refer to Wilson's defence of reformation principles and Protestant writers in general who have treated of the subject.

13th. To the thirteenth cross-Interrogatory he saith—I have answered this in my reply to the last cross-interrogatory; and further refer to the Scriptures as enjoining the duty of suffering wrongfully in a personal cause. I refer to the authorities already cited in my answers to the said interrogatories.

14th. To the fourteenth cross-Interrogatory he saith—The evidence referred to by me in answer to the 32d direct interrogatory was the knowledge of the Presbytery of what took place in their presence. To the 33d I refer to his ordination vows, and their solemn promise of submission to church courts, implied in their profession. My answer is matter of firm belief in distinction from mere opinion, and my opinion and firm belief is that Dr. Bullions and his congregation were bound by decision of Synod in his case; others claiming to be members, and perhaps some few in the church, profess to differ with me in

opinion. If Mr. Stark differs with me in opinion I am confident he is wrong.

15th. To the fifteenth cross-Interrogatory he saith—I have already cited such authorities as I supposed to be necessary in answer to these or other direct interrogatories and cross interrogatories I have no further authorities to cite. My answers to these interrogatories are not matter of opinion, but founded on rules of discipline of obvious propriety and general usage. As to difference of opinion I have already answered.

16th. To the sixteenth cross-Interrogatory he saith—Mr. Erskine and others did not continue in good standing in the established church, but in a state of separation from it, because they were not convicted of any departure from the word of God or the received standard of the church. My knowledge of these things is derived from the history of the church at that day and other writings. My answer is not matter of opinion but of belief founded on these writings.

17th. To the seventeenth cross-Interrogatory he saith—I refer to the Associate and Associate Reformed Books of discipline and other authorities.

19th. To the nineteenth cross-Interrogatory he saith—I have no authorities to cite in relation to these answers further than already cited, and nothing further to say on matters of opinion and differences of opinion than I have already several times stated in these answers, nor anything further as to mistakes of opinion.

20th. To the twentieth cross-Interrogatory he saith—The office of a Deacon relates to the temporalities of the church, and is fully set forth in the acts of the Apostles and the book of discipline of the Associate Church.

21st. To the twenty-first cross-Interrogatory he saith—He may not be imposed as a pastor, but may be sent to preach and for other purposes without the consent of the congregation or against it. A Presbytery or Synod may interfere in the erection of a church edifice or building as to the place and some other circumstances, but not as to the cost of its erection or its fashion, if that do not interfere with the principles of their profession. Such buildings and improvements may be at the expense of any who choose to contribute, and are under the control of the congregation, subject however to the Presbytery and Synod in things which relate to our profession, and the due subordination of such congregation to our church courts. Presbyteries and Synod have care over the temporalities of the church in the way just stated. When opposed to the word of God and standards of the church civil decisions may be submitted to in the way of suffering wrong, but are not morally binding, I refer to the confession of faith in reference to Christian liberty and the power of the magistrate in matters of religion, not having convenient access to the books. I cannot cite the authorities more particularly.

22d. To the twenty-second cross Interrogatory he saith—Yes, but I have no doubt as to the correctness of my opinions in the present case.

23d. To the twenty-third Interrogatory (cross) he saith—My answers to these interrogatories are facts founded on well authenticated histories and not matters of opinion. I refer to Frazer's life of Rev. E. Erskine and R. Erskine; also life of Rev. W. Wilson as authority for my answer to the 76th question.

24th. To the twenty-fourth cross-Interrogatory he saith—I know the authenticity of the Associate Presbyterian Magazine, in the same way as I do the authenticity of any and all other periodical works. The work came to me at Cannonsburgh, through the post office, (two first volumes,) since then I have seen numbers of the third volume in the hands of various individuals. I have no copy at hand of the work. My view of the principles of that work is not matter of opinion merely. As to my opinions, I made no pretensions to infal-

libility, but believe they are correct; good many of the articles referred to are argumentative, as stated; Chancey Webster was the author of some of the articles referred to in the Religious Monitor, and was the editor of the Monitor at the time referred to, and is a minister of good standing in the Associate Church. As to his opinions, I do not think he is infallible. I do not think he differs with me in opinion upon the subjects stated; my own opinion as to the duty of submission is expressed in my answer to the twelfth cross-interrogatory. I do not know that many, if any members of the Associate Church differ with me in opinion upon that subject; as to some claiming to be, I believe they differ with me. For authorities as requested, I refer to Westminster Confession of faith; Book of Discipline of the Associate Church, and the minutes of the Synod for several years past.

25th. To the twenty-fifth cross-Interrogatory he saith—I know said answers to be false, as relates to the doctrines, &c. of the Associate Church, from a comparison of them, with the standards of said Church, and I refer as authority to the Westminster Confession of Faith, the Associate Testimony and Book of Discipline, and my answer is not matter of opinion, but founded on an acquaintance with the standards of the Church. The Defendants and others may differ with me in opinion on these subjects, but if so I think them mistaken.

26th. To the twenty-sixth Interrogatory (cross) he saith—The clause referred to as already stated, is intended to enforce submission, and is I believe, generally so viewed by all members of the Church. As to others, I cannot be responsible for their opinions. The respondents may view them differently. I have no references or authorities to state.

27th. To the twenty-seventh cross-Interrogatory he saith—On the present trial of Doctor Bullions before Synod, I voted generally with the majority and against him, although on former occasions, I had sometimes voted in his favor. I voted also against the Presbytery of Vermont, on the most important questions arising upon their trial and when they were suspended, and my name is recorded among the ayes and noes in the minutes.

To the last cross-Interrogatory he saith—I recollect of nothing now material in the case.

THOMAS BEVERIDGE.

Adjourned to meet at the Clerk's office, in Washington, on the twenty-eighth day of June ensuing.

The foregoing examination of Dr. Thomas Beveridge taken and reduced to writing and sworn to, 15th day of May, 1843, and on day subsequently noted.

JNO. L. GOW, }
JAMES WATSON, } *Commissioners.*

And now, to wit, June 28, 1843. James Ramsey, D. D., Professor of Hebrew in Jefferson College, Cannonsburgh, being duly and publicly sworn, doth depose and say as follows, to wit:

To the first Interrogatory he saith—My name, James Ramsey; I am a minister of the Gospel in the Associate Presbyterian Church, and Professor of Hebrew in Jefferson College, Washington county, and resident in the town of Cannonsburgh, County of Washington, and State of Pennsylvania.

2d. To the second Interrogatory he saith—I have had a general knowledge of William Stevenson, one of the complainants, and Dr. Bullions of the defendants, for a number of years. My acquaintance with the others is very slight.

3d. To the third Interrogatory he saith—I am now a minister of the Associate Church, and have been for about forty years.

4th. To the fourth Interrogatory he saith—I am.

5th. To the fifth Interrogatory he saith—I believe the statement in the bill of complaint is correct.

6th. To the sixth Interrogatory he saith—The Associate Church government is Presbyterian; and her members are bound to submission and obedience, and an obstinate refusal to submission on the part of any of the members would expose them to expulsion.

7th. To the seventh Interrogatory he saith—I am, and the judicatories and their powers and duties as stated in the said bill of complaint are correctly set forth so far as stated.

8th. To the eighth Interrogatory he saith—They are, as before answered.

9th. To the ninth Interrogatory he saith—I was a member of Synod in 1838, and present when Dr. Bullions' case came before it.

10th. To the tenth Interrogatory he saith—I heard the minutes of Presbytery referred to, read in Synod when the case of Dr. Bullions was under consideration, and when his deposition was confirmed.

11th. To the eleventh Interrogatory he saith—It is not necessary in such a case to prove a contempt, but the court may proceed upon its own knowledge.

12th. To the twelfth Interrogatory he saith—To me it appears that from the minutes of the Presbytery they ascertained the offence by their own senses and therefore did not resolve to rebuke him without first having ascertained his offence.

13th. To the thirteenth Interrogatory he saith—When a protest and appeal is offered the judicatory is to consider whether they will admit it or not; if they admit the cause is left to the judgment of the superior court, but if they reject they may proceed in the trial. See book dis. of Asso. Syn., Art. 12, page 60.

14th. To the fourteenth Interrogatory he saith—When they have rejected the protest and appeal, they may proceed in the trial of the case as if no such appeal and protest had been offered; and if the party thinks himself aggrieved he can bring the whole case before the superior judicatory by complaint and remonstrance. The court may proceed, and in case of contumacy on the part of a minister they may inflict the highest censure in the church, viz: excommunication.

15th. To the fifteenth Interrogatory he saith—The case of Dr. Bullions did not come before Synod by protest and appeal, and I have no recollection of the matters inquired of in the interrogatory.

16th. To the sixteenth Interrogatory he saith—This case came before Synod by a memorial and complaint of Dr. Bullions, against the Presbytery of Cambridge for certain of their proceedings against him, and as he did not give due notice to the Presbytery of his bringing said memorial and complaint, the case could not have been legally tried without the Presbytery's consent, but the Presbytery did consent and the trial went on, and this is the only way in which it could be brought on.

17th. To the seventeenth Interrogatory he saith—They did.

18th. To the eighteenth Interrogatory he saith—According to my understanding, each court is judge of the competency of its own members and may exclude from voting any member on their own knowledge for partiality or relationship, in a particular case.

19th. To the nineteenth Interrogatory he saith—As neither Messrs. Goodwillie nor Pringle were competent Judges in the case of Dr. Bullions, as one was his son-in-law, and the other his brother-in-law, it was not improper to connect them in the same resolution.

20th. To the twentieth Interrogatory he saith—Neither Dr. Bullions, nor

any of the members of the Presbytery of Cambridge, who were excluded from voting in his case, did so far as I remember, bring a protest before Synod against their exclusion from voting.

21st. To the twenty-first Interrogatory he saith—He is not.

22nd. To the twenty-second Interrogatory he saith—It can not.

23rd. To the twenty-third Interrogatory he saith—It was an offence to wit, slander and contempt according to circumstances stated in the interrogatory.

24th. To the twenty-fourth Interrogatory he saith—Such charges did not disqualify individuals not named, nor after being named, unless they were to be put on trial for the charges, would they be disqualified from sitting and voting in Dr. Bullion's case.

25th. To the twenty-fifth Interrogatory he saith—According to my examination of the minutes of that Presbytery, Dr. Bullions appeared to deny their authority to try him at all, which if so was unwarrantable.

26th. To the twenty-sixth Interrogatory he saith—It is.

27th. To the twenty-seventh Interrogatory he saith—Dr. Bullions was bound by his ordination vows, the principles and discipline of the Associate Church, and the word of God, to submit to the decisions of suspension, and deposition by the Presbytery against him, till it was reversed or confirmed by Synod, and his Congregation were bound to submit to it also.

28th. To the twenty-eighth Interrogatory he saith—The decision of Synod in the cases stated in the interrogatory, is final and conclusive on the parties, and the whole Associate Church.

29th. To the twenty-ninth Interrogatory he saith—It is.

30th. To the thirtieth Interrogatory he saith—In ordinary cases three citations should be given, and ten days should elapse between the first and second, but not between the second and third.

31st. To the thirty-first Interrogatory he saith—They were bound to submit, and on no other condition could they be retained in the Church, notwithstanding their conscientious belief.

32d. To the thirty-second Interrogatory he saith—It is not true, as the whole Presbytery of Cambridge were witnesses of the slander and contempt with which they charged him.

33d. To the thirty-third Interrogatory he saith—It is not true.

34th. To the thirty-fourth Interrogatory he saith—It is not true.

35th. To the thirty-fifth Interrogatory he saith—It is a solemn declaration of a person not agreeing with the decision against which he protests, but he derives no authority from his protest to act in opposition to the decision against which he protests.

36th. To the thirty-sixth Interrogatory he saith—The conclusion of the papers signed by Dr. Bullions in the printed minutes of the Synod of June, 1839, pages 23 and 24, is as I understand it, a declination of the authority of Synod and an abandonment of the Associate Church.

37th. To the thirty-seventh Interrogatory he saith—It is an honor to ministers of the Secession or any other Church, in any century, to protest against the corrupt decisions of an erroneous Synod or general assembly, and to exercise their ministry under their protest, and in this way vindicate the word of God; but the conduct of Dr. Bullions and that of those ministers with whom he is compared by Mr. Stark, does not appear to be similar. They contended against error in doctrine and the oppression of the christian people in practice. He against the censures of the church pronounced on him for slandering individuals and a contemptuous opposition to the church courts to which he is subject in the Lord.

38th. To the thirty-eighth Interrogatory he saith—I think they did not.

39th. To the thirty-ninth Interrogatory he saith—I think they did not depart from any rules or usages, which were necessary to give validity to their sentence against Dr. Bullions.

40th. To the fortieth Interrogatory he saith—Synod did not.

41st. To the forty-first Interrogatory he saith—It was not.

42d. To the forty-second Interrogatory he saith—It was.

43d. To the forty-third Interrogatory he saith—It was an offence being a contempt of the Synod's authority.

44th. To the forty-fourth Interrogatory he saith—It was, and the congregation thus acting, were equally guilty with Dr. Bullions.

45th. To the forty-fifth Interrogatory he saith—It was.

46th. To the forty-sixth Interrogatory he saith—Dr. Bullions and those who adhere to him are not in good standing in the Associate Ch, and they cannot be admitted to fellowship in said church, while they continue in their present course.

47th. To the forty-seventh Interrogatory he saith—Dr. Bullions' protest against the decision of Synod, confirming his deposition, did not give him a right to officiate as a minister or enjoy any privilege in the church, much less did his declinature do so.

48th. To the forty-eighth Interrogatory he saith—Mr. Erskine and his brethren, siding with him, did not continue in good standing in the established church after they were deposed.

49th. To the forty-ninth Interrogatory he saith—For answer to this Interrogatory I refer to my answer to the preceding thirty-seventh which is answer to this. (Latter part of the answer.)

53d. To the fifty-third Interrogatory he saith—Synod may in such cases appoint commissioners when divisions or difficulties exist to heal and reconcile the same.

54th. To the fifty-fourth Interrogatory he saith—It is the duty of such congregation and their trustees to open the doors of their church to such commissioners, and afford all such facilities to and with the congregation, as will carry out the benevolent intentions of the Synod.

62d. To the sixty-second Interrogatory he saith—It was consistent with the powers of the Presbytery of Cambridge to pass the deed referred to in Exhibit K.

63d. To the sixty-third Interrogatory he saith—The deed of Presbytery (Exhibit K) authorized the subordinate members to act as the session of the Associate Congregation of Cambridge, and to proceed against the insubordinate members of the congregation, according to the rules of the church.

64th. To the sixty-fourth Interrogatory he saith—The session, thus recognized, were bound to proceed and call before them any member or members either of session or congregation, who were charged with insubordination in attending on the ministration of Dr. Bullions, and deal with them, according to the books of discipline of said church, or at least they were so authorized to do by said deed.

66th. To the sixty-sixth Interrogatory he saith—The censure ultimately due to those stated in the interrogatory is to be finally cut off from the church.

67th. To the sixty-seventh Interrogatory he saith—The book of discipline, published in 1817, mentions ministers, elders and deacons as office bearers in the church, and limits the right of electing such to those who are in full communion, but says nothing of Trustees, dis. part first, art. 10.

68th. To the sixty-eighth Interrogatory he saith—In congregations where Trustees are appointed, they do, as I apprehend, act at least in part as deacons, and if so, it is most consonant to the rules of the Associate Church that

none but such, as are in full communion, be considered as eligible to that office See Book Dis. referred to. The Laws of the Associate Church are the same in the State of New-York as elsewhere.

69th. To the sixty-ninth Interrogatory he saith—The lesser office in the church is included in the greater, and the Elders have cognizance and jurisdiction over the deeds and acts of the Deacons and Trustees as such, and the Trustees are accountable to the church for their conduct in reference to the trust or charge committed to them according to the standards of our church.

70th. To the seventieth Interrogatory he saith—The Synod had a perfect right to do so.

71st. To the seventy-first Interrogatory he saith—They were bound to receive said commissioners, and the Trustees had no right to close the church doors against them.

72d. To the seventy second Interrogatory he saith—The courts of the Associate Church, though liable to err, are the legally constituted judges of what is agreeable to the word of God, and the subordinate standards of that church, and their decisions, when they not err, ought to be submitted to by all those who are under their jurisdiction. If any however on the pretence of their having carried in their decisions treat them with contempt, they thereby carry the cause immediately to God, himself who will judge righteously whether they or the court be in error, and which ought to be punished.

73rd. To the seventy-third Interrogatory he saith—It is.

74th. To the seventy-fourth Interrogatory he saith—It is not true, so far as my knowledge extends.

75th. To the seventy-fifth Interrogatory he saith—Messrs. Anderson, Gordon, Miller and others, at the time alluded to, did not accuse the Synod of asserting an untruth or misrepresentation, &c., but they said that a certain deed of Synod, against which they were giving reasons of protest, did affirm an untruth, misrepresent and so forth

76th To the seventy-sixth Interrogatory he saith—The original ceceders did not voluntarily give their Churches up, but some of them at least were driven from their Churches by the civil authorities, McKerrow hist. Sec Ch. page 137 and 138.

77th. To the seventy-seventh Interrogatory he saith—The main ground on which Mr. Marshal and his adherents lost the Church, was that he was viewed as having been deposed by the Associate reform Synod. Marshals vindication p. p. 73 and 74; McCulloch's mem. of Marshal, p. p. 32 and 34. As to Mr. Clarkson his opponents gave him no trouble about his meeting house, Memoirs of Mr. Marshal pp. 34.

78th. To the seventy-eighth Interrogatory he saith—They have so departed and their names are Doct. Alexander Bullions, Doct. Peter Bullions, Messrs. Andrew Stark, Henry Hughs, Blair, A. White, David Stalker, Thomas Goodwillie and William Pringle.

79th. To the seventy-ninth Interrogatory he saith—I have read very little of the magazine referred, and am not prepared to answer any thing further in relation to it.

80th. To the eightieth Interrogatory he saith—I have heard it so called but can affirm almost nothing in regard to it, from my own personal knowledge.

81st To the eighty-first Interrogatory he saith—I have; and have considered their contents.

82nd. To the eighty-second Interrogatory he saith—In some respects I thought they did not give a true and faithful representation of the doctrine, government, faith and practice of the Associate Church, and took them to be generally incorrect, where they contradict the bill of complaint.

83d. To the eighty-third Interrogatory he saith—They have adopted a different method of giving previous notice of marriages, and of dealing with slave holders, but I am not aware of any other alterations since I became a member of the body. Their way of proceeding with accused persons is the same as formerly.

84th. To the eighty-fourth Interrogatory he saith—They have.

85th. To the eighty-fifth Interrogatory he saith—I have been in the habit of attending the meetings of Synod for thirty-nine years. I have not been absent from a meeting during that time but twice. I have never known the Synod to find an individual guilty, and inflict censure upon him without proof or evidence of his guilt; and I think such a thing could not have taken place since I became a member of said court without my knowledge.

86th. To the eighty-sixth Interrogatory he saith—It came regularly before Synod by the complaint of the Presbytery of Cambridge, and by a statement of the facts complained of in their own report. The Synod had jurisdiction in the case and the proceedings of said Synod were in most respects regular and legal.

87th. To the eighty-seventh Interrogatory he saith—The Presbytery of Vermont were in May, 1839, suspended for trial by a vote of the Associate Synod regularly taken, and their own report furnished what a majority of the Synod considered sufficient proof. I myself was not clear as to the propriety of suspending the Vermont Presbytery at that time, and did not vote for it. I thought its conduct well deserved suspension, but I thought it had better be delayed until the then ensuing meeting of Synod.

88th. To the eighty-eighth Interrogatory he saith—It was right, as they were not parties.

89th. To the eighty-ninth Interrogatory he saith—The judgment of the Synod was not that the Presbytery of Vermont did not deserve censure, but they appointed a commissioner to deal with them to rebuke and restore them if they should duly acknowledge their fault, or to suspend them if they did not do it.

90th. To the ninetieth Interrogatory he saith—They were not.

Adjourned to meet at the same place on the fifth day of July next. And now to wit, 5th July, 1843, met, present commissioners, Jn. L. Gow and James Watson and examination of Dr. Ramsey continued.

91st. To the ninety-first Interrogatory he saith—It is.

92d. To the ninety-second Interrogatory he saith—The Synod did refer Dr Bullions back to that Presbytery for further dealing, as appears from the printed minutes, June, 1838; and their doing so proves that they considered him as not under the greater but the lesser sentence of excommunication.

93d. To the ninety third Interrogatory he saith—In the circumstances stated in the interrogatory the Presbytery of Vermont would have had no right to restore him.

94th. To the ninety-fourth Interrogatory he saith—Not to my knowledge.

95th. To the ninety-fifth Interrogatory he saith—He was licensed in June or July, 1841, and was appointed to preach in the Presbyteries of Ohio, Miami, Indiana and Illinois, to the end of March, 1842; then where it might seem to him most proper during the months of April and May.

96th. To the ninety-sixth Interrogatory he saith—They did.

97th. To the ninety-seventh Interrogatory he saith—I have not.

98th. To the ninety-eighth Interrogatory he saith—They had.

99th. To the ninety-ninth Interrogatory he saith—He is not, and has no right to officiate as a minister in said church.

100th. To the one hundredth Interrogatory he saith—Though not absolutely binding the book referred to is, I think, to be had in great regard in determining cases in which our own is deficient on account of its brevity.

101st. To the one hundred and first Interrogatory he saith—I understand those words as both binding submission to such judgments as are agreeable to the word of God, and enforcing them.

102d. To the one hundred and second Interrogatory he saith—It met on the fourth Wednesday of May, 1841, at Washington, Pennsylvania, and at Xenia, Ohio, on the fourth Wednesday, May, 1842.

103d. To the one hundred and third Interrogatory he saith—No.

104th. To the one hundred and fourth Interrogatory he saith—No.

105th. To the one hundred and fifth Interrogatory he saith—I understand there is, and the names of the ministerial members, so far as I know them, have been already mentioned in answer to the seventy-eighth interrogatory.

106th. To the one hundred and sixth Interrogatory he saith—All of them, so far as I know, were in communion with the Associate Church, but they were all suspended or deposed, and are not now recognized as having any right to exercise the office of the ministry in the Associate Church.

107th. To the one hundred and seventh Interrogatory he saith—The conscientious belief of suspended or deposed ministers does not give them any right before the church to exercise their ministry, nor does their belief affect the justice of their sentence before God.

108th. To the one hundred and eighth Interrogatory he saith—They have not except in the respect already mentioned in answer to the eighty-third Interrogatory.

109th. To the one hundred and ninth Interrogatory he saith—They have.

110th. To the one hundred and tenth Interrogatory he saith—The statement made by Andrew Stark as referred to in this interrogatory is not true, but at a certain time when a scism took place in the Presbytery of Albany, the Synod determined that the part of it, of which Messrs. Martin and Campbell were members, was the Presbytery of Albany, and that their proceedings were valid.

Lastly. To the last Interrogatory he saith—I know of nothing further.

To the cross-Interrogatories.

1st. In answer to the first cross-Interrogatory he saith—I know it to be correctly stated from the narrative prefixed to the declaration and testimony of the Associate Church, (Philad. Ed. 1839,) and from other books not published by the Associate Church, such as McKerrow's history of the Secession Church, pages 258 and 259. From these authorities I am assured of the correctness of the statement in question. Others, who are members of the Associate Church, or claim to be such, may differ in opinion with me, but my mind is no wise disturbed by what is or may be alleged to the contrary by others. As to members, now in full communion with us, differing with me in opinion, I know of none such.

2d. To the second cross-Interrogatory he saith—The supreme rule in the Associate Church is the word of God. The Westminster confession of faith, as it is received by the Associate Church, declaration and testimony of the said church and book of discipline and government, enacted in 1817, are subordinate standards in the strict sense of the term. To name pages, chapters, sections and so on, in these standards would be unnecessary, as every part of them relates more or less directly to the government and discipline, faith and practice of the Associate Church. Perdivan's collections and the books of dis-

cipline in the other Presbyterian Churches are, had, in great regard, in determining cases where our own is deficient on account of its brevity. My answer is matter of fixed belief, and, as to difference in opinion, I refer to my answer to first cross-interrogatory.

3d. To the third cross-Interrogatory he saith—I heard the minutes referred to read in Synod, and have since seen an attested copy of them, but have never seen the original, nor committed them to memory; that attested copy which was handed to me by Dr. Thomas Beveridge is annexed to these depositions and marked A. I cannot swear anything further as to the commencement and conclusion of the said minutes, other than what appears on their face. The copy of the said minutes were handed to me by Dr. Beveridge, a week or two before this examination at Cannonsburgh.

4th. To the fourth cross-Interrogatory he saith—I refer to Perdivan's Collections, Book 4, title 3d, section 18th.

5th. To the fifth cross-Interrogatory he saith—I refer to the Book of Discipline of Associate Church, enacted 1817, art. 12, p. 60. My answer is a fixed belief, and as to opinions, I refer to my answer to the first cross-interrogatory.

6th. To the sixth cross-Interrogatory he saith—I refer to the Book, art. and page quoted in my last answer. My answer is a matter of fixed belief, and I know the matter to be as stated, not only from the authorities cited, but from common sense.

7th. To the seventh cross-Interrogatory he saith—As I have already said in answer to the fifteenth direct interrogatory. The case of Dr. Bullions did not come up by protest and appeal, and I have no recollection of the statements referred to in the cross-interrogatory, and therefore can state nothing concerning it.

8th. To the eighth cross-Interrogatory he saith—I know the proceedings of the Presbytery of Cambridge to be legal from having heard them read in Synod, and from the attested copy already referred to. My answer is a matter of fixed belief, and as to differences in opinion, I refer to my answer to the first cross-interrogatory.

9th. To the ninth cross-Interrogatory he saith—I refer to Perdivan, Book 4th, title 5th, sec. 9; Book of Discipline of Associate Reformed Church, Book II, chap. 8, sec. 3; if authorities be wanted in a matter of such plain common sense. It is an inherent right in every court to judge of the competency of its own members, and the court itself may therefore challenge any member or members in a particular case. It is in accordance, I apprehend, with the discipline of the Associate Church, in a case like that of Dr. Bullions, to exclude a member on mere motion, the objection to him being self-evident to the court. If the member objected to desires to explain or be heard, the court will always hear him.

10th. To the tenth cross-Interrogatory he saith—Because they were too nearly related to Dr. Bullions; Mr. Goodwillie being his brother-in-law, and Mr. Pringle his son-in-law, both were excluded for relationship; and for authorities I refer to my preceding answer.

11th. To the eleventh cross-Interrogatory he saith—I refer to the authorities before cited by me in my previous answers. The general rules on these subjects are laid down in Perdivan, in the Associate Church book of discipline, and in the books of other Churches. The application of these rules to the particular cases arising, is of necessity the business and duty of the courts under which the cases come for decision. My answer is a matter of fixed belief, and as to opinions, I refer to my answer to the first interrogatory, (cross.)

12th. To the twelfth cross-Interrogatory he saith—They are bound to sub-

mit according to the principles stated in my answer to the 72nd interrogatory. I have no authorities to cite.

13th. To the thirteenth cross-Interrogatory he saith—In answer I refer to my answer to the 72 interrogatory and have no authorities to cite. I refer to Perdivan and the books of discipline, and my answer to 11th, cross-interrogatory.

14th. To the fourteenth cross-Interrogatory he saith—The evidence was the evidence of the senses of the Presbytery. That it was agreeable to the standards of the Associate Church, for the Presbytery in the case of Dr. Bullions, to require him to submit to a rebuke, and afterwards for his non-submission to suspend him from the exercise of his office is little if anything short of a self-evident truth, and as plain that his Congregation should have submitted also. As to differences in opinion I refer to my answer to the first cross-interrogatory. Mr. Stark may profess to differ in opinion with me. Although I do not claim infallibility, it is my firm belief that in this matter I am not mistaken.

15th. To the fifteenth cross-interrogatory he saith—I have no further authorities to cite than those heretofore cited in my answer as to my opinion and differences in opinion. I refer to my answer to the first cross-interrogatory.

16th. To the sixteenth cross-Interrogatory he saith—I know and know only from the history of the individuals referred to and their times. I have no reason to doubt the history, and my answer is based upon it.

17th. To the seventeenth cross-Interrogatory he saith—Associate Ch. book Dis. part 3, Art. 8, Sec. 4th, page 56.

19th. To the nineteenth cross-Interrogatory he saith—In support of my answer to the several direct interrogatories here specified, I refer as before to the standards of the Associate Church. I believe my answers are agreeable, not only to those standards but to right reason, as to my opinion and differences of opinion, I refer to my answer to the first cross-interrogatory, and to the fourteenth cross-interrogatory.

20th. To the twentieth cross-interrogatory he saith—It belongs not to the office of a deacon to preach the word, or dispense the sacrament, but to take special care in distributing to the necessities of the poor. See Acts of the Apostles vi. 1 to 4 inclusive. Form Pres. Ch. govern. West. Ass. I have no further authorities to quote.

21st. To the twenty-first cross-Interrogatory he says—A minister cannot be imposed on a Congregation as a fixed pastor without their consent. There are many possible cases relative to the erection of a Church edifice in which the Presbytery or Synod may justly interfere, for example about the site in forbidding the erection of it so near to the Church edifice of a Congregation belonging to the same body, as would injure them in their rights, as to its fashion by placing the cross upon it. In short they may interfere in any thing about it, that may come regularly before them, for judgment and decision.

The Congregation, as a general rule, erect their church edifices, and they are under their control. The Congregation, Presbytery and Synod have each in different respects, control over the buildings. According to the principles of the Associate Church, as I have ever understood them, we ought to yield obedience to the civil magistrate, in all his lawful commands, and if in any thing he enjoins what is contrary to a law of God, we should obey God rather than man. The authorities to which I refer are the standards of our Church, particularly the Westminster confession and testimony.

22d. To the twenty-second cross-Interrogatory he saith—The liability of church courts to err imposes on us the necessity of trying their decisions by the word of God: and if they do not appear to be inconsistent with that rule,

we are bound to submit to them. Obey them that have the rule over you and submit yourselves : Heb. 13. 17. As to my errors I refer to my answer to fourteenth cross-interrogatory.

23d. To the twenty-third cross-Interrogatory he saith—I have come to the knowledge of the facts referred to in both these direct interrogatories by reading. In regard to the seventy-sixth interrogatory I rely on Gibb's display of the secession testimony and McKerrow's History of the Secession Church, and in regard to the seventy-seventh, the life of Marshal by McCulloch.

24th. To the twenty-fourth cross-Interrogatory he saith—As to that work I have already said I was not a subscriber to it, and know little or nothing about it, and have no copy to produce. I know nothing of Chancey Webster's authorship as referred to. He was at one time the editor of the Religious Monitor, but the precise time I do not recollect. Said Webster is a member of our church in good standing. As to his differing in opinion with me on the duty of submission I know nothing. As to a member of church submitting to a decision right or wrong I refer to my answer to the 12th cross interrogatory. As to Mr. Webster or others differing with me I can say nothing. I have no further authorities to cite.

25th. To the twenty-fifth cross-Interrogatory he saith—I know it in no other way than that I considered them in many particulars manifest departures from the standards of our church ; and this with me is not matter of opinion, but firm belief. I have no further authorities to cite. It is possible the defendants claim to differ with me in opinion. As to opinions and differences in opinion and mistakes, I refer to the answer to the first and fourteenth cross-interrogatories.

26th. To the twenty-sixth cross-Interrogatory he saith—As I have said before, the words alluded to both limit and enforce, and they are certainly considered by every good member of the church as not immaterial and of no force and effect. I have no further references or authorities to cite.

27th. To the twenty-seventh cross-Interrogatory he saith—So far as I recollect I did vote with the majority on all questions against Dr. Bullions. I did not vote against the Presbytery of Vermont on all questions, and my name will be found recorded among the ayes and noes on the minutes of Synod of 1839.

To the last cross-Interrogatory he saith—I know nothing more that would be of any advantage to Defendants.

JAMES RAMSEY.

Examination taken, reduced to writing and sworn, to 28th June and 5th July, 1843, before us.

JNO. L. GOW, }
JAS. WATSON. } *Commissioners.*

Adjourned to meet at the same place on the sixth day of July inst., and now, to wit : the sixth day of July, Dr. James Martin, of Cannonsburgh, in the County of Washington, and State of Pennsylvania, D. D., being duly and publicly sworn and examined on the part of the Plaintiff, doth depose and say as follows :

1st. To the first Interrogatory he saith—My name is James Martin, and am Professor of Theology in the Theological Seminary of the Associate Church, and I reside at Cannonsburgh in the State of Pennsylvania.

2d. To the second Interrogatory he saith—I know the most of the Complainants and Defendants, named in the title to the interrogatories, and have known many of them for more than twenty years.

3d. To the third Interrogatory he saith—I am now, and have been for about twenty years.

4th. To the fourth Interrogatory he saith—I profess to be so acquainted.

5th. To the fifth Interrogatory he saith—It is.

6th. To the sixth Interrogatory he saith—To both branches of the interrogatory I answer yes.

7th. To the seventh Interrogatory he saith—To each part of this interrogatory I answer yes.

8th. To the eighth Interrogatory he saith—I think they are.

9th. To the ninth Interrogatory he saith—To both branches of the Interrogatory I answer yes.

10th. To the tenth Interrogatory he saith—I have read the minutes alluded to, and think that I heard them read in Synod at the time referred to.

11th. To the eleventh Interrogatory he saith—When a contempt or other offence is committed in the presence of a court, the court may proceed upon its own knowledge to inflict the necessary punishment. Perdivan, 13, 4, title 3d, sec. 18.

12th. To the twelfth Interrogatory he saith—It does not.

13th. To the thirteenth Interrogatory he saith—In an inferior court where a protest with an appeal is offered against a decision, the court can either admit or reject it; if admitted, further proceedings in the case are stayed, but if rejected the court proceeds, as if no protest had been offered. Book of Discipline, pages 60 and 61. Perdivan, Book iv. title 5, sec. 11.

14th. To the fourteenth Interrogatory he saith—A protest against a definitive sentence as well as against an interlocutory decision may be rejected and the sentence executed whenever the court believes that the edification of the church will be most promoted by such a course. If the offender persists in a course of contumacy and impenitence, the highest censures of the church may be inflicted on him. Book, Disc. p. 61, Mat. 18 h chap.

15 h. To the fifteenth Interrogatory he saith—I think it is as admitted by all parties that whatever protests and appeals Dr. Bullions had taken in Presbytery, he had fallen from them before his case came up in another shape in Synod.

16th. To the sixteenth Interrogatory he saith—Dr. Bullions brought his cause before Synod, by memorial and complaint, but as he had given no previous notice to the Presbytery of his design, their consent was judged necessary in order to an investigation of the case. This consent was given. Minutes of Synod, of 1838, p. 26.

17th. To the seventeenth Interrogatory he saith—I answer yes. Book of Dis. p. p. 60 and 61. Perdivan Book iv. title 4, Sec. 12.

18th. To the eighteenth Interrogatory he saith—I answer both parts of the interrogatory in the affirmative. Perdivan B. iv. title 5, Sec. 9, B. iv. title iii. sec. 12.

19th. To the nineteenth Interrogatory he saith—I see no impropriety in the procedure here alluded to.

20th. To the twentieth Interrogatory he saith—From the sentence of exclusion referred to, there were no appeals brought before the Synod.

21st. To the twenty-first Interrogatory he saith—The general rule is to exclude those who have prejudged a cause.

22nd. To the twenty-second Interrogatory he saith—I answer in the negative.

23rd. To the twenty-third Interrogatory he saith—The charges which Dr. Bullions made against his co-Presbyters at the time referred to, was certainly slanderous, and making a charge at the time, and in the manner he did, and his subsequent conduct in relation to it was all highly contemptuous and deserving of censure.

24th. To the twenty-fourth Interrogatory he saith—The charge in question could not disqualify the members against whom it was brought, from acting as members of the court, even after they were named on account of its vagueness, the unwillingness of the accused to furnish the means of investigating it.

25th. To the twenty-fifth Interrogatory he saith—The paper containing the declinature, I have not read, but from the account given of its contents in the minutes of the Presbytery, I have no doubt it contained what is called an unwarrantable declinature; according to the minutes, Dr. Bullions in said paper denied the right constitution of the Presbytery, and declared its authority to be assumed, and on those grounds refused submission to its decisions. This constitutes an unwarrantable declinature, according to Perdivan, book iv. title 5, sec. 9.

26th. To the twenty-sixth Interrogatory he saith—I answer yes. Perdivan Book iv. title 5, sec. 9.

27th. To the twenty-seventh Interrogatory he saith—As Dr. Bullions prosecuted no appeals before Synod, from the decision of his Presbytery, neither in suspending or deposing him, he and his Congregation were bound to submit to those decisions. Formula quest. 6th. Book Dis. p. 60, 61.

28th. To the twenty-eighth Interrogatory he saith—I answer yes. Book Dis. p. 12, Test p. 126.

29th. To the twenty-ninth Interrogatory he saith—I answer yes, Perdivan, B. iv. title 4, sec. 12.

30th. To the thirtieth Interrogatory he saith—Although it may be expedient in most cases, yet it is not essentially requisite in all cases, that three citations be served on the accused, especially if he peremptorily notifies the court that he will not attend; the length of time intervening between the citations may be varied according to circumstances.

31st. To the thirty-first Interrogatory he saith—He and the congregation were bound to submit or withdraw from their professed subjection to the authority of the church and its communion.

32d. To the thirty-second Interrogatory he saith—It is not true, as the Presbytery acted on their own senses.

33d. To the thirty-third Interrogatory he saith—It is not true. Test. p. 126. Form. quest 6, William's defence, p. p. 397, 398.

34th. To the thirty-fourth Interrogatory he saith—I know of no principle in the Associate Church which could justify Dr. Bullions in rebelling against the authority of the church and thus breaking his ordination vows. The Synod decided in 1838 that a protest against a decision of Synod did not justify disobedience to it. Min. Sy. 1838, page 36.

35th. To the thirty-fifth Interrogatory he saith—A protest taken against a decision of the Synod denotes a strong and marked disapprobation on the part of the protestor against such decision; but at the same time contemplates his passive acquiescence in it, and does by no means warrant him to resist it. The Associate Church holds no peculiar views that I know of on the subject of protests. Min. Sy. 1838, p. 36.

36th. To the thirty-sixth Interrogatory he saith—In the protest alluded to Dr. Bullions did decline submission to the authority of the Associate Synod, and did thereby virtually declare his abandonment of the Associate Church, as no person can be regarded as a member of said church who refuses submission to its supreme judicatory.

37th. To the thirty-seventh Interrogatory he saith—The case of Dr. Bullions and that of the seceders supposed to be alluded to, are essentially different.

38th. To the thirty-eighth Interrogatory he saith—I answer no.

39th. To the thirty-ninth interrogatory he saith—I answer no, not to my knowledge.

40th. To the fortieth Interrogatory he saith—I am sure the Synod did *not* nothing to warrant any such statement.

41st. To the forty-first Interrogatory he saith—It was not.

42d. To the forty-second Interrogatory he saith—It was.

43d. To the forty-third Interrogatory he saith—It was, and the offence was insubordination.

44th. To the forty-fourth Interrogatory he saith—To the former part of the interrogatory, I answer, yes; and to the latter, I answer, that the congregation have made themselves transgressors with him in continuing to employ him as their pastor.

45th. To the forty-fifth Interrogatory he saith—I unhesitatingly answer yes to all the several parts of this interrogatory.

46th. To the forty-sixth Interrogatory he saith—They are not in communion with the Associate Church, nor can they be while pursuing their present course in rebellion.

47th. To the forty-seventh Interrogatory he saith—It gave him no right or privileges in the Church, and the Synod so decided at the time. Min. Synod 1838, page 30.

48th. To the forth-eighth Interrogatory he saith—They had no standing in the Church after their deposition.

49th. To the forty-ninth Interrogatory he saith—Mr. Erskine was judged worthy of a rebuke for publicly bearing testimony against certain evils in the Church, as he was bound to do; but Dr. Bullions was judged worthy of a rebuke for bringing a slanderous charge against his brethren, and refusing to furnish the means of investigating it, connected also with a manifest contempt of court. Mr. Erskine was finally deposed from office, for having seceded from the Church, but Dr. Bullions after being deposed for sundry breaches of his ordination vows, still claimed to be regarded as a minister in good standing in the Church which deposed him. There are other differences of a similar nature, between these two cases.

53d. To the fifty-third Interrogatory he saith—It is the right and duty of Synod to appoint commissioners in such cases, and for such purposes. B. of Dis. page 12th.

54th. To the fifty-fourth Interrogatory he saith—It is the duty of such Congregation and Trustees to receive such commissioners, open to them the doors of their Churches, and afford them the facilities spoken of.

62d. To the sixty-second Interrogatory he saith—It was.

63d. To the sixty-third Interrogatory he saith—It authorized the elders to perform the duty of a session, towards the congregation.

64th. To the sixty-fourth Interrogatory he saith—This session were authorized to do whatsoever any lawful session might do, and had authority to call before them any delinquents or refractory members, and deal with them as the books of discipline direct.

66th. To the sixty-sixth Interrogatory he saith—They ought to be cut off from the privileges of the Church, for according to Perdivan, ministers who hold ministerial communion with deposed ministers, ought to be themselves deposed. Book iv. title 4, sec. 17.

67th. To the sixty-seventh Interrogatory he saith—None but members in full communion. B. Dis. Art. 10th, P. 1.

68th. To the sixty-eighth Interrogatory he saith—When Trustees are ap-

pointed they act in part in the room of Deacons, and ought to be members of the Church in full communion. The rule is uniform throughout the Church in all the States. Min Synod 1840, p. 23.

69th. To the sixty-ninth Interrogatory he saith—The first and second branches of the Interrogatory, I answer in the affirmative: to the latter I answer the Trustees, for the morality of their official acts, are accountable to the session.

70th. To the seventieth Interrogatory he saith—I answer yes.

71st. To the seventy-first Interrogatory he saith—To the former branch of the interrogatory I answer yes, to the latter no.

72nd. To the seventy-second Interrogatory he saith—Church courts are fallible, and no less so are those who condemn them; but while the bible commands us to submit to the decisions of fallible courts, it no where commands us to submit to the opinions of individuals who may condemn those courts. The only lawful judges whom Christ hath appointed to determine controversies in the church are the church judicatories themselves. From the highest of these there can be no appeal to any other earthly tribunal.

73d. To the seventy-third Interrogatory he saith—Certainly, because as a church we have borne a public testimony against the basis upon which the United Secession Church is founded.

74 h. To the seventy-fourth Interrogatory he saith.—It is not true.

75th. To the seventy-fifth Interrogatory he saith—Through the representations of Mr. Stark and his friends, the Synod in 1837, was influenced to make a decision against which Messrs. Anderson, Gordon and others protested, and in their reasoning to enforce their protest the following year they characterized their decision, protested against as asserting an untruth misrepresenting a certain vote, &c. Mr. Stark therefore in his testimony, does not represent the matter fairly. Min. Sy. 1838, p. 33.

76th. To the seventy-sixth Interrogatory he saith—It is not true, for they were expelled from their churches by civic authority. Narr. prefixed to test. p. 29.

77th. To the seventy-seventh Interrogatory he saith—It is not true. The chief reason why Mr. Marshal lost his church was the fact of his alleged deposition, and not the fact of a majority of the congregation being against him. For it was proved in the civil court that a majority of the congregation was on his side; no attempt was made to take Mr. Clarkson's church from him. Vind. Ass. Presby. p. 76.

78th. To the seventy-eight Interrogatory he saith—They have, and their names are A. Stark, H. Blair, A. Bullions, E. Bullions, A. White, D. Stalker, T. Goodwillie and N. Pringle.

79th. To the seventy-ninth Interrogatory he saith—I am somewhat acquainted with the works spoken of, and believe that some of the principles contended for in said work involve a departure from the doctrines, faith and practice of the Associate Church, particularly on the subject of protest and submission to Church Courts.

80th. To the eightieth Interrogatory he saith—It was while in existence.

81st. To the eighty-first interrogatory he saith—I answer yes.

82d. To the eighty-second Interrogatory he saith—Said answers are in many respects inconsistent with the doctrines, government discipline and practice of the Associate Church, particularly in those things wherein they contradict the Bill of Complaint.

83d. To the eighty-third Interrogatory he saith—To both branches of the interrogatory I answer no, unless the Synod's action on the subject of slavery and the publication of the forms of marriage be so considered.

84th. To the eighty-fourth Interrogatory he saith—I answer yes. Book dis. page 12, con. faith, chap. 31, sec. 3.

85th. To the eighty-fifth Interrogatory he saith—I have attended all the annual meetings of Synod for the last seventeen years, with the exception of two or three, and have no recollection of any such proceedure on the part of Synod, nor do I believe that such a case as Mr. Stark refers to ever had existence.

86th. To the eighty-sixth Interrogatory he saith—The case of the Presbytery of Vermont was brought before Synod by a complaint from the Presbytery of Cambridge, and to the remaining parts of the interrogatory, I answer in the affirmative. Min. Sy. 1839.

87th. To the eighty-seventh Interrogatory he saith—To both parts of the interrogatory I answer yes. Min. Sy. 1839.

88th. To the eighty-eighth Interrogatory he saith—Yes, since the members of the Presbytery of Cambridge were not parties in the cause.

89th. To the eighty-ninth Interrogatory he saith—I answer no, and refer to the minutes of Synod in the case 1840, page 24, 33.

90th. To the ninetieth Interrogatory he saith—They were not.

91st. To the ninety-first Interrogatory he saith—I answer in the affirmative.

62d. To the ninety-second Interrogatory he saith—To the former part of the interrogatory I answer, no; and to the latter part, yes.

93d. To the ninety-third Interrogatory he saith—Inasmuch as the Synod referred Dr. Bullions to the Presbytery of Cambridge, whether he was excommunicated or not, the Presbytery of Vermont had nothing to do with him—they could not legally exercise any jurisdiction in the case.

94th. To the ninety-fourth Interrogatory he saith—Not according to my judgment.

95th. To the ninety-fifth Interrogatory he saith—David Bullions was regularly licensed by order of the Associate Synod in the summer of 1841, and was appointed to supply in the Presbyteries of Ohio, Miami, Indiana, Illinois, also in the state of Tennessee, and was allowed a month or two to supply where he pleased.

96th. To the ninety-sixth Interrogatory he saith—Yes.

97th. To the ninety-seventh Interrogatory he saith—I have.

98th. To the ninety-eighth Interrogatory he saith—To both parts of the interrogatory I answer yes.

99th. To the ninety-ninth Interrogatory he saith—I answer both parts of the interrogatory in the negative.

100th. To the one hundredth Interrogatory he saith—When it coincides with our own book it is regarded as good collateral authority, and on points where our own book is silent, it is regarded by us as good authority.

101st. To the one hundred and first Interrogatory he saith—I regard that claim as intended to enforce and not to limit the submission promised.

102d. To the one hundred and second Interrogatory he saith—In 1841, Synod met in Washington, Pennsylvania; in 1842, in Xenia, Ohio; the time of meeting each year was the usual time, 4th Wednesday of May.

103d. To the one hundred and third Interrogatory he saith—I answer no.

104th. To the one hundred and fourth Interrogatory he saith—I answer no.

105th. To the one hundred and fifth Interrogatory he saith—There is such a body, and its ministerial members are named in my answer to the seventy-eighth interrogatory, together with Mr. David Bullions, and a Mr. Quackenboss, who have been added to it since its first organization in 1841.

106th. To the one hundred and sixth Interrogatory he saith—With the ex-

ception of Mr. Quackenboss, these persons were all either ministers or licentiates of the Associate Church, but are not so now, having been regularly and justly denuded of their office by the judicatories of said Church.

107th. To the one hundred and seventh Interrogatory he saith—I answer both branches of the interrogatory in the negative.

108th. To the one hundred and eighth Interrogatory he saith—No.

109th. To the one hundred and ninth Interrogatory he saith—They have.

110th. To the one hundred and tenth Interrogatory he saith—I consider Mr. Stark's statement of the matter referred, as a gross misrepresentation of the decision of the Synod. The decision was as follows, "Resolved, That the party of which he (Mr. Stark) was a member, is not the Associate Presbytery of Albany, but was irregular in their constitution and all their acts null and void. Resolved, That the body of which Messrs. Martin and Campbell are members, is truly the Associate Presbytery of Albany." The party contemplated by the former resolution, was composed of Messrs. E. Bullions, Blair and Stark, ministers, together with their three elders. The body contemplated by the latter resolution was composed of Messrs. Law, D. Frost, Graham, Martin and Campbell, ministers, together with the elders who were entitled to seats when in attendance, though at the time the separation took place in the Presbytery, only two of the ministers and one of the elders composing this body were present. But the Synod never decided that these three members were the Presbytery of Albany, but that the body of which they were members was the Presbytery of Albany. Besides, Mr. Stark and his elders had been turned out of Presbytery nine months before that time, and it was their unlawful intrusion into the Presbytery that mainly caused the three members alluded to, to retire and constitute the Presbytery in another place.

Lastly. To the last Interrogatory he saith—I know and have heard of nothing that would tend to the benefit and advantage of Complainants in this cause other than what I have stated.

1st. To the first cross-Interrogatory he saith—The few statements respecting the early history of the Ass. Church in this country, contained in the bill of complaint, I know to be correct from authentic historical records, especially from the narrative prefixed to the testimony of said Church, pages 39 to 60, and a book entitled Sermons and Sketches. My knowledge on this subject is not a matter of mere opinion, but of historical faith, and I know of no diversity of sentiment or opinion respecting it.

2d. To the second cross-Interrogatory he saith—The authorities to which I refer are the subordinate standards of the Associate Church in the Westminster confession of faith, catechisms, Presbyterian form of Church Government and the declaration and testimony, together with Wilson's defence, Gibb's display, Alexander and Rufus, book of discipline and minutes of Synod. My answer is matter of certain knowledge founded on these authorities. It is to be presumed that those who have abandoned the Associate Church, will misconstrue her principles. In the Church I know of no difference of opinion. Some claiming to be members of the Associate Church may differ with me in opinion.

3rd. To the third cross-Interrogatory he saith—I think it probable that I have seen the original minutes, but I know certainly that I have seen and read extracts, commencing Oct. 4, 1837, and ending July 17, 1838, labelled copy exhibit Q, marked A, and herewith attached and returned, to which I refer for further answer. I read the copy at my house in Cannonsburgh. I have not memorized them particularly, but have a general recollection of the contents.

Said copy is before me now, and has been a short time in my hands, being handed to me by D. Ramsey, about a week since.

4th. To the fourth cross-Interrogatory he saith—I refer to the authorities cited in my answer to said interrogatory.

5th. To the fifth cross-Interrogatory he saith—I have quoted my authorities in answering said interrogatory. To the rest of this interrogatory I refer to my answer to the first and second cross-interrogatories.

6th. To the sixth cross-Interrogatory he saith—I have given my authority in answering said interrogatory. My answer there is based on the express words of the rule referred to, which says “that a protest against a definitive sentence may be rejected.” As to matter of opinion and differences of opinion, I refer to my answer to the first and second cross-interrogatories.

7th. To the seventh cross-interrogatory he saith—I have no recollection of having heard D. Bullions express himself in such a manner, nor can I see how he could possibly indulge a hope of having the difficulties settled in Presbytery, after having disowned their authority, and while continuing in a state of open contumacy, he ceased to attend the meetings of Presbytery, and therefore could not “at each meeting insist on his right of protest,” &c.

8th. To the eighth cross-Interrogatory he saith—I am acquainted with the minutes of the Presbytery of Cambridge, as I have asserted in my answer to the third cross-interrogatory; and for further answer to this interrogatory, I refer to the authorities cited in my answer to the 17th direct interrogatory, and also to my answers to the first and second cross interrogatory.

9th. To the ninth cross-Interrogatory he saith—In answering said interrogatory I cited my authorities. The case stated is not in accordance with the discipline of the said church, but according to the common practice of our Judicatories, either party to a cause or any member of the court can put in an objection to a member’s sitting in that cause, and then the court is to decide upon the validity of the objection. My authority is the common usage and common sense.

10th. To the tenth cross-Interrogatory he saith—Messrs. Goodwillie and Pringle were near relations of D. Bullions, and had given manifest evidence of an undue partiality in his favor. The Presbytery therefore had the right to exclude them both together from sitting in Presbytery when Dr. Bullions’s case was under consideration. My authority is Perdivan, book iv. title 5, sec. 9. They were alike relations, one being the brother-in-law and the other the son-in-law of Dr. Bullions.

11th. To the eleventh cross-Interrogatory he saith—Besides the authorities cited in my answers to said interrogatories I would also refer to the common practice of church judicatories and to the common sense of mankind. I do not know that I differ from others upon the subject.

12th. To the twelfth cross-Interrogatory he saith—The doctrine of the Associate Church is, that in private or personal causes, or causes which only concern one’s self the sentences of church judicatories are to be submitted to though we do not see the equity of them. But in all matters affecting the public cause of God the case is different. Their all unscriptural decisions ought to be opposed and resisted. Wilson’s defence, p. p. 397 and 398. Alexander and Rufus, p. 126; Testimony, p. 126.

13th. To the thirteenth cross-Interrogatory he saith—In mere private and personal causes, and where the public cause of God is not affected, members are bound to submit to the decisions of church judicatories though they may not be able to see their entire accordance with the word of God and standards of the church. I refer to the authorities cited in my last answer. In answer to

the remaining part of the interrogatory in addition to the authorities cited in my answers to the interrogatories mentioned, I would refer to the common practice of the church.

14th. To the fourteenth cross-Interrogatory he saith—I refer to the answers given to the interrogatories here mentioned. Dr. Bullions's cause was one of entirely a private and personal nature according to the authorities cited, and therefore he and his congregation were bound to submit to the decisions of the judicatories respecting him, though they may not have seen the equity of them. As Mr. Stark is in much the same condemnation with Dr. Bullions, his mistakes in the Doctor's favor are quite natural. As to opinions I refer to my answers to the first and second interrogatories.

15th. To the fifteenth cross-Interrogatory he saith—My answers to the interrogatories here stated are not mere opinions of my own, but are grounded on the authorities there quoted, and the common practice of the Church, and other satisfactory evidence; and as to differences in opinion, I refer to my answer to the first and second cross-interrogatory.

16th. To the sixteenth cross-Interrogatory he saith—Mr. Erskine and his associates had no standing at all after their deposition, in the Church that deposed them, for they had seceded from that Church several years before their deposition. My knowledge on this subject is obtained from authentic history and is not mere matter of opinion.

17th. To the seventeenth cross-Interrogatory he saith—I quote B. of Dis. page 12, which defines the power of Synod, in ans. to 53, and to common usage and common sence in answer to 54th.

19th. To the nineteenth cross-Interrogatory he saith—I answer by referring to my last answer to the authorities cited in answer to direct interrogatories, 66 and 67, and to the powers and duties of Session and Presbyteries, as defined in book of Discipline p. p. 9 and 11; my answer is matter of certain knowledge derived from those authorities, and as to opinions and differences of opinion I refer to my answer to the first and second cross-interrogatories.

20th. To the twentieth cross-Interrogatory he saith—The duty of the Deacon in general is to take care of the temporalities of the Church. B. Dis. p. 5.

21st. To the twenty-first cross-Interrogatory he saith—A minister cannot be imposed upon a congregation as a pastor, or constant supply without their consent, but may as an occasional supply. A Presbytery or Synod has nothing to do with the temporalities of a congregation, any further than the temporalities may be viewed as connected with the existence and spiritual welfare of said Congregation. Churches and other buildings appertaining are generally erected at the expense of the Congregation erecting them, who also have the right to direct and control them. The Associate Church never asks the laws of the land, to yield to her decisions, but only her members who have voluntarily promised subjection to their authority in the Lord. I refer to the standards of the Church.

22d. To the twenty-second cross-Interrogatory he saith—Admitting that all are alike fallible, yet some may be placed in that position in respect to ecclesiastical decisions which would mistake in opinions about them, more probable than in the case of others standing in a different position. I do not pretend to be infallible.

23d. To the twenty-third cross-Interrogatory he saith—Those answers are not matters of mere opinion, but of historical faith. I refer to the authorities there cited.

24th. To the twenty-fourth cross-Interrogatory he saith—Those numbers of the Associate Presbyterian Magazine, which I have seen, I received principally

through the agency of Andrew White, in Albany. I think the memders were genuine. I herewith send a number of the said work, the address upon the cover of which I believe to be in the hand writing of Dr. Peter Bullions, the Editor, marked B. and signed by me with my name. My answer is not matter of opinion only, but of fixed and firm belief in which I think I am not mistaken. A few of the articles in that work are answers to some things in the Monitor, and Chauncy Webster was the author of some of those things, but he was not the editor at that time. Chauncy Webster is now a member of the Associate Church in good standing. The Synod at its last meeting made a decision on the subject of submission to ecclesiastical decisions, in accordance with my views on that subject, and in which Mr. Webster acquiesced without expressing any dissent. There may be some difference of opinion in our own Church upon the subject; some who claim to be members do differ with me in opinion. The authorities called for, I have given in my answers to the direct interrogatories. I know of no person that pleads for submission to ecclesiastical decisions right or wrong.

25th. To the twenty-fifth cross-Interrogatory he saith—I know by having compared their answers with the standard authorities of the church to which I have heretofore referred, my answers are not mere matters of opinion, and I have already cited authorities. The Defendants and others, claiming to be members of the church, do differ with me on this, but among those in the church I know of no difference of opinion. I believe I am not mistaken.

26th. To the twenty-sixth cross-Interrogatory he saith—As I have before stated, I regard the words in question as enforcing the submission promised, but even if viewed as in some measure, limiting submission, they can give no countenance to rebellion against decisions which relate to mere private and personal causes, as this would produce a clashing with the authorities before cited. They are certainly not considered by any in the church as immaterial. I have no further authorities to cite.

27th. To the twenty-seventh cross-Interrogatory he saith—I cannot now state how I voted in every instance in the cases referred to, but my name stands in the ayes and noes, where it may be seen. I know that generally I voted against Dr. Bullions and the Presbytery of Vermont.

28th. To the twenty-eighth cross-Interrogatory he saith—I was one of the three members who considered the intrusion of Mr. Stark and his elder into the Presbytery, together with certain other profane, disorderly and fraudulent proceedings as indicative that that assembly could not be a lawfully constituted court of Jesus Christ, and who accordingly did retire and constitute the Presbytery of Albany in another place with the assistance of a fourth member, who had in the mean time arrived. I was the sole editor and proprietor of the Religious Monitor from November, 1835, till May, 1839. I was the writer of all the articles appeared as editorial, some of which were condemnatory of the course of Dr. Bullions. Mr. Stark and others who were endeavoring to produce a schism in the Associate Church, contrary to the word of God and their ordination vows. I never had any personal difficulty with Dr. Bullions, and only opposed him on public ecclesiastical grounds. I was on very friendly terms with Mr. Stark until he was libelled and suspended for certain immoralities since which time I have had no intercourse with him; acted towards him as directed. ii. Thess. iii. chap. 6th and 14th verses. I have preached and published a sermon on the text, "Obey them that have the rule over you and submit yourselves," Heb. 13, 17., but it contains no such sentiments as here imputed to it. The tenor of the sermon is to explain and enforce the duty of submission to the decision of church courts. I believe

there is great unanimity among the members of the Associate Church on this subject, while it appears that some of those who have been laid under the censures of the church, profess to think differently. On this subject I think I am not mistaken. I left Albany in July, 1842, and had no particular intercourse with Dr. Bullions for some years before that time. I have always professed to be a friend of Dr. Bullions, but not of his public course of conduct.

Lastly. To the last cross-Interrogatory he saith—I know of nothing more that would be of benefit or advantage to the Defendants than what I have already stated.

JAMES MARTIN.

Examination taken, reduced to writing, and sworn to, this sixth day of July, 1843, before us.

JNO. L. GOW, }
JAS. WATSON. } *Commissioners.*

Adjourned to meet at the same place, June 10th, 1843, and now, viz, June 10th, 1843; met pursuant to agreement. Alexander T. McGill, of the City of Alleghany, in the State of Pennsylvania, being duly and publicly sworn and examined on the part of the plaintiff, doth depose and say.

1st. To the first Interrogatory he saith—My name is Alexander T. McGill, and my occupation is Professor of Ecclesiastical History and Church Government in the Western Theological Seminary of the Presbyterian Church in the City of Alleghany, in the County of Alleghany and State of Pennsylvania, and my residence is in the said City of Alleghany.

2d. To the second Interrogatory he saith—I have known some of the individuals referred to, namely, William Stevenson, Dr. Alexander Bullions, John Robertson, William Robertson, Edward Small and Peter Hill.

50th. To the fiftieth Interrogatory he saith—I was a member of that Synod, and we were the commissioners appointed under the resolution referred to.

51st. To the fifty-first Interrogatory he saith—It was.

52d. To the fifty-second Interrogatory he saith—I answer affirmatively.

55th. To the fifty-fifth Interrogatory he saith—We did, as commissioners, visit the Associate Congregation at Cambridge, and on the evening of Saturday, the 16th or 17th of June, 1833, we made known to Dr. Bullions, some of his Elders and Trustees, the object of our visit. We visited Dr. Bullions at his house, and made known our errand in the most kind and friendly manner. The Doctor received us harshly, and said to me that he had once formed a very favorable opinion of me from what he had heard; but was sorry that I had consented to serve the Synod in such a business, or something to that effect; that he considered any interference between him and his people, like interfering between a man and his wife; on the same evening the Trustees and some of the prominent members met at the house of Dr. Bullions, having been previously invited there by himself to consult, as we supposed, about his course the next day, (it being Sabbath.) We remained with Dr. Bullions until the Trustees and Members, before referred to, met; the subject was then introduced, I think, by Dr. Bullions. He proceeded to make incorrect statements about the proceedings of the Synod in his case. We were obliged to contradict his statement; considerable dispute ensued, but it was conducted on our part with the most moderate and friendly feelings. We made known to the Trustees and Members present our errand, and formally requested them to permit us on the next day to occupy the church in order to fulfil the duties imposed on us by the Synod. Dr. Bullions stated his determination to occupy the pulpit himself, if the Trustees would consent. We read to them our commission from the Synod, and urged them to decide on our request. Five of them were present; in the vote one declined voting; one voted to give us the church, two voted against our request, and one in the

chair refused to express his opinion. We then retired from that meeting, informing them that we would still seek an opportunity of performing our duty to the people of that church.

Next morning being Sabbath we repaired to the church about half an hour before the time for public worship and found the doors of the church closed. We waited about fifteen minutes, and then John or Wm. Robertson proceeded to open the doors and found them locked. He then demanded of the sexton to open the house as the usual time for worship had arrived. One of the Trustees, I believe Shiland was his name, then proceeded to read to the people who had assembled to a considerable number before the church, the note of the Trustees, refusing us the use of the church. This I believe was the purport of his note, but could not distinctly hear. I then read a paper in which we made known to the people our commission by the Synod. The decision of Synod in Doct. Bullions's case declaring to them that the church was vacant, and his pastoral relations dissolved. We then requested the congregation to retire with us to the house of William Robertson for public worship and gave notice that a congregational meeting would be held on the following Wednesday at a certain house not recollected. The paper read by me at that time I believe I handed to John Robertson, signed by both commissioners; the contents of which I do not precisely recollect. Near about the usual time of worship many of the people met with us at the house of William Robertson. We both preached at his house, and a meeting of the session was called during the Sabbath. This meeting was regularly constituted by one of the commissioners, and we considered it the lawful session of Cambridge Church. During the intervening time from Sabbath until Wednesday, I visited industriously in company with John Robertson a number of families adhering to Dr. Bullions, and was received for the most part with much kindness. The object of my visit to these families was to reconcile them to the decision of Presbytery and Synod.

Both John Robertson and myself cautiously guarded against every word that might be considered harsh or unfriendly to Dr. Bullions or his friends. The result of that private visitation was that we were permitted to enter the church at the congregational meeting. On Wednesday before entering the church we stipulated with the Trustees that we must be received as the commissioners of the Synod. To this they consented with some reluctance. The congregational meeting was larger than we expected. Mr. McKie ascended the pulpit with intention to preach, from which he was prevented by the friends of Dr. Bullions, who immediately organized a meeting by calling one to the chair who I think was friendly to Doct. Bullions. During that meeting we expostulated with the congregation on their error in sustaining Dr. Bullions, and their resisting the government and discipline of the church. After considerable deliberation a committee was appointed to confer with the commissioners, Dr. Bullions and the Presbytery, with a view to effect a reconciliation and the adjustment of all their difficulties. This committee consisted I think of three friends of Dr. Bullions, and two of the Synod. My visit continued for about five days, having left the day after the congregational meeting.

Lastly, I know of nothing more material than what I have already stated.

ALEX. T. MCGILL.

Examination of Alexander McGill taken, reduced to writing and sworn to this tenth day of June, 1843.

JAS. WATSON, }
JNO. L. GOW. } *Commissioners,*

EXHIBITS BEFORE THE COMMISSIONERS, MARKED AND RETURNED BY THEM.

EXHIBIT A.

Extract from the minutes of Cambridge Presbytery referred to in the depositions of Rev. Thomas Beveridge, James Ramsey and James Martin, and particularly mentioned in their answers to the 3d cross-Interrogatory, being a copy of Exhibit Q. proved before Mr. Gibson, Examiner. See page 226.

EXHIBIT B.

The Associate Presbyterian Magazine, Vol. 1, No. 1, July. Rev. P. Bullions, D. D. Editor. Produced by Rev. James Martin, in answer to 24th cross-interrogatory.

*
 IN CHANCERY,
 BEFORE THE CHANCELLOR.

WILLIAM STEVENSON, *et al.*,
 vs.
 ALEXANDER BULLIONS, *et al.* } Deposition of ABRAM ANDERSON.

Deposition of Abram Anderson, a witness produced and sworn and examined in a certain cause now depending and undetermined in the court of Chancery of the State of New-York, before the Chancellor, wherein William Stevenson, William Robertson, William McGeoch, Edward Small, James McArthur, John McArthur, Robert McArthur, Peter McArthur, George Small, James Arnot, Edward Cook, John Arnot, John Robertson, Thomas McMorris, James Hoy, John McDoual, Isaac Ashton, John Foster, and William Livingston, are Complainants, and Alexander Bullions, James Coulter, James Shiland, Robert McClellan and Peter Hill, together with the Associate Congregation of Cambridge of the County of Washington and State of New-York, adhering to the principles of the Associate Presbytery of Pennsylvania, formerly, now the Associate Synod of North America, are Defendants, on the part and behalf of the said Complainants, before Luther J. Howe one of the Examiners in Chancery in and for the County of Washington and State of New-York, at the office of the said Luther J. Howe in White Creek in said County, on the 21st day of July, in the year of our Lord, 1843.

The Complainants offer as a witness the Reverend Abram Anderson.

The Defendants' counsel objects to this witness being sworn on the ground that he has been fully examined in this cause already on the part of the Complainants. The objection is over-ruled by the Examiner and the said Abram Anderson is sworn and deposeth as follows, to wit:—

I am some acquainted with Andrew Stark, a witness sworn in this cause.

Question by Complainants' counsel—Are you acquainted with Alexander Bullions?

Answer—I am.

Question by Complainants' counsel—Do you know the relation in which they both stand to the Associate Church, and is their relation the same and are they both deposed ministers? The Defendants' counsel objects to the whole question because it has been asked and answered by the witness in his former examination, and because this is not the highest evidence of that fact, and that it is immaterial, and that it cannot be proved by parole evidence. The objection is over-ruled by the Examiner and the witness answers as follows, to wit:

Answer—I understand that they both sustain the same relation to the Associate Church, and that they are both deposed.

Question by Complainants' Counsel.—Are you acquainted with David Bullions, the son of Dr. Bullions?

Answer—I am.

Question by Complainants' Counsel.—Had the associate Presbytery of Cambridge at any time, any jurisdiction over him? The Defendants' counsel objects to this question as irrelevant and immaterial. The objection is over-ruled by the Examiner, and the witness answered as follows to wit.

Answer—Yes Sir they had. They did exercise jurisdiction over him, and after due process, they deprived him of his license and suspended him from the Communion of the Church, on the 5th day of October, 1842. I was then clerk of the said Presbytery. The paper produced here by Complainants' counsel is a true copy of the minutes of the proceedings of the Presbytery in regard to their dealings with him, which is hereto annexed, marked "Exhibit A, before the present Examiner.

Question by the Complainants' counsel. To what Synod does the Associate Presbytery of Cambridge belong? This question is objected to by the Defendants' counsel because the question has been asked and answered by this witness on his former Examination. The objection is over-ruled by the Examiner and the witness answered as follows to wit.

Answer—It belongs to what has been known for about 40 years as the Associate Synod of North America.

Question by Complainant's counsel. Did or not that Synod meet in Cambridge in June 1841? The question is objected to by the Defendants' counsel for the same reason that the last question was objected to, and because the minutes of Synod will best show when the Synod met and where, and because it does not grow out of the testimony of any other witness except on a question put by Complainants' counsel which were immaterial and the answer to which they are bound by. The objection is over-ruled by the Examiner, and the witness answered as follows, to wit:

Answer—It did not. It had met in May, 1841, at Washington in Pennsylvania and adjourned to meet at Xenia in Ohio in May, 1842. I am a member of the Associate Synod of North America, and have been since 1822. The Associate Synod of North America hold their meetings annually generally. They always have except in two cases. From May, 1832 it was adjourned to October, 1833 and from October, 1835, it was adjourned to May, 1836. I am acquainted with Duncan Stalker, Archibald Whyte, Thomas Goodwillie, William Pringle, Dr. Peter Bullions, Dr. Alexander Bullions, Andrew Stark, Rev. Mr. Quackenbush, Rev. Mr. Blair and Rev. David G. Bullions.

Question by Complainants' counsel. Do any or all of these men belong to the Associate Synod of North America or did they in 1841. This question is objected to by the Defendants' counsel on the same ground as was the objection to the last question. The objection is over-ruled by the examiner and the witness answers as follows, to wit:—

Answer—I believe none of them are members of that Synod, nor were they in the year 1841.

ABRAHAM ANDERSON.

Sworn, examined and subscribed,
on the 21st day of July in the year
1843, before me,

LUTPER J. HOWE, *Examiner in Chancery.*



"EXHIBIT A."

Extracts from the minutes of the Associate Presbytery of Cambridge on the case of Mr. David Bullions, as follows :—

Putnam, July 6, 1842, Presbytery agreed to take up the case of Mr. David Bullions. After deliberation it was resolved, that the Associate Session of Cambridge be directed to take measures as soon as possible to ascertain what parts are relevant against David Bullions, and what evidence there is to support them; to take the evidence and transmit it with the facts to the Presbytery of Ohio. It was further resolved that in case the session find it necessary that the Presbytery of Ohio should have the information respecting Mr. D. Bullions before they are ready to transmit it, they be directed to demand of that Presbytery to delay the trial of D. Bullions, and the presentation of the case till they can be ready with their statement and evidence.

Hebron, Aug. 3d, 1842, the following resolution was offered and adopted, viz: Whereas, it is credibly reported that Mr. David Bullions has accepted a call to a pastoral charge, in connexion with an association of men under deposition by the Associate Church, thereby abandoning his profession and violating his vows at licensure, Presbytery resolve to cite him to appear before them at their meeting at Salem on the 3d Thursday of August instant, at 11 o'clock, A. M. to answer for his conduct, and to suspend his licensure which they hereby do till his case be tried.

Salem, August 18th, 1842. On inquiry it was found that the citation ordered to Mr. David Bullions was duly served, and it was returned certified Mr. D. Bullions not being present, it was resolved that he be cited to appear before this Presbytery at the next meeting, on the charge pending with certification that if he do not then attend, they will proceed in his case as though present; it was also resolved, that a notice of Presbytery's proceedings in the case be inserted in the Evangelical Repository.

Argyle, Oct. 5th, 1842. Papers were called for. No. 1 was given in and read, which was the return of the citation and certification to Mr. D. Bullions. It was agreed to take up the case of Mr. D. Bullions, and the following preamble and resolution were adopted, viz: Whereas, Mr. D. Bullions has been charged before this Presbytery with accepting a call to a pastoral charge in connexion with an association of men under deposition by the Associate Church, and thereby abandoning his profession and violating his vows at licensure, and whereas he was cited to appear before Presbytery to answer on said charge, and not appearing, was again cited with certification to appear at this meeting; Whereas, he has not obeyed the latter citation, and has added to the matter first charged the receiving of ordination at the hands of the deposed brethren who are in a state of suspension from the Associate Synod of North America and moreover a contemptuous communication to this Presbytery, and whereas there appears abundant and indubitable evidence of the truth of the whole charges. It is resolved that he be now, and he, David Bullions, hereby is deprived of his license, and suspended from the communion of the church, until he return to his duty and give evidence of repentance.

Extracted by A. ANDERSON.

Exhibit "A" before LUTHER J. HOWE, Examiner in Chancery.

I certify that the foregoing is a true copy of an Exhibit made by Abram Anderson on his examination before me, and referred to in his testimony as "Exhibit A" of the Complainants before Luther J. Howe, Examiner.

August 2, 1843.

LUTHER J. HOWE, *Examiner in Chancery.*

INDEX.

	Page.
Original Bill, - - - - -	3
Supplemental Bill, - - - - -	17
Answer and Demurrer, - - - - -	36
Answer, - - - - -	57
Decision on Demurrer and cause at issue, - - - - -	73
Complainants' Evidence, - - - - -	74
Deposition of Rev. David Gordon, - - - - -	74
do. " Rev. Abraham Anderson, - - - - -	106
do. " Rev. John G. Smart, - - - - -	138
do. " Mr. James Lourie, - - - - -	152
do. " Mr. Robert Kerr, - - - - -	166
do. " Mr. John Bishop, - - - - -	171
do. " Mr. Patrick McGill, - - - - -	173
do. " Mr. John Dobbin, 2d. - - - - -	174
do. " Mr. John McArthur, Jr., - - - - -	176
do. " Mr. William I. Graham, - - - - -	177
do. " Rev. Thomas Goodwillie, - - - - -	180
Commission and Direct Interrogatories, - - - - -	247
Cross Interrogatories, - - - - -	256
Deposition of Thomas Beveridge, D. D., - - - - -	262
do. " James Ramsey, D. D., - - - - -	272
do. " James Martin, D. D., - - - - -	281
do. " Alexander T. McGill, - - - - -	291
Rev. Abraham Anderson's Deposition before Judge Howe, - - - - -	293
Defendants' Evidence, - - - - -	189
Deposition of Rev. Andrew Stark, - - - - -	189
do. " Rev. Archibald Whyte, Sen'r., - - - - -	206
Complainants' Exhibits, - - - - -	211
Exhibits A, B, and C, - - - - -	211
do. D, E, F, G, and H, - - - - -	212
do. I, - - - - -	214
do. K and L, - - - - -	216
do. M, - - - - -	220
do. N and O, - - - - -	222
do. P, - - - - -	223
do. Q, - - - - -	226
do. R, S and T, - - - - -	239
do. A, before Judge Howe, - - - - -	294
Defendants' Exhibits, - - - - -	246
Exhibits A, B, C, D, E and F, - - - - -	246
Commissioners' Exhibits, A and B, - - - - -	293

ERRATA.

Page.	Folio.	Line in folio.	
74	6	7	instead of "evidence over-ruled" read "evidence received."
75	7	3	" "on" read "in"
"	13	1	" "the congregation" read "other congregations."
76	15	4	" "prepared" read "purported."
"	19	5	" "while" read "when."
77	24	4	" "concurrent" read "concur."
78	31	7	" "second" read "senior."
86	84	4	" "written" read "within."
117	96	2	" "congregation" read "congregations."
120	112	5	" "declaring any" read "declaring that he had no."
123	141	4	" "Mr." read "Mr."
124	149	5	" "part" read "point."
126	164	4	" "referring" read "refusing."
433	211	2	" "sedement" read "soderunt."
137	232	9	" "court" read "count."
138	52	4	" "passed" read "past."
169	19	1	" "did there" read "did then."
170	21	9	" "in words" read "in the same words."
"	23	1	" "for" read "to."
192	22	4	" "declined" read "declared."
"	"	6	" " " " "
195	46	"	" "cause" read "case."
201	90	7	" "members" read "member."
"	92	5	" "Mr." read "Dr."
202	98	2	" "the" read "his."
205	118	5	" "letter" read "latter."
"	119	4	" "1872" read "1782."
247	2	5	" "Erving" read "Ewing."
250	17	7	" "16th" read "18th."
"	19	"	" "resolved" read "dissolved."
254	40	8	insert "not" after "or."
263	8	5	instead of "in would" read "it would."
264	12	3	" "Jno. D. Gow" read "Jno. L. Gow."
267	32	10	" "with" read "without."
268	35	3 & 4	" "reposing minister" read "restoring ministers."
"	"	6	" "offences" read "offenders."
271	55	4	" "made" read "make."
276	78	8	" "carried" read "erred."
283	118	9	" "William's" read "Wilson's."
285	130	6	" "E. Bullions" read "P. Bullions."
"	"	7	" "N. Pringle" read "Wm. Pringle."
287	140	4	" "E. Bullions" read "P. Bullions."
288	145	3	" "D. Ramsay" read "Dr. Ramsay."
"	146	7	" "D. Bullions" read "Dr. Bullions."
"	149	1	" " " read " "
"	150	5	" "their" read "there."
289	152	7	insert "cross" before "Interrogatories."
290	157	8	instead of "memders" read "numbers."
"	162	9	insert "which" after "articles."

ERRATA OF EXHIBITS.

Page.	Line.	
213	13	from top, instead of "commissioner," read "commission."
"	12	" bottom " "some" read "to some."
216	1	" top " "this," read "of this."
224	1	" top " "Shelby," read "Skellie."
238	11	" top " "John Reid," read "James Reid."
238	15	" bottom " "Congregations," read "Congregation."
In the Index, for Page 57, read "51."		
"	"	" to Alexander T. McGill, affix D. D.







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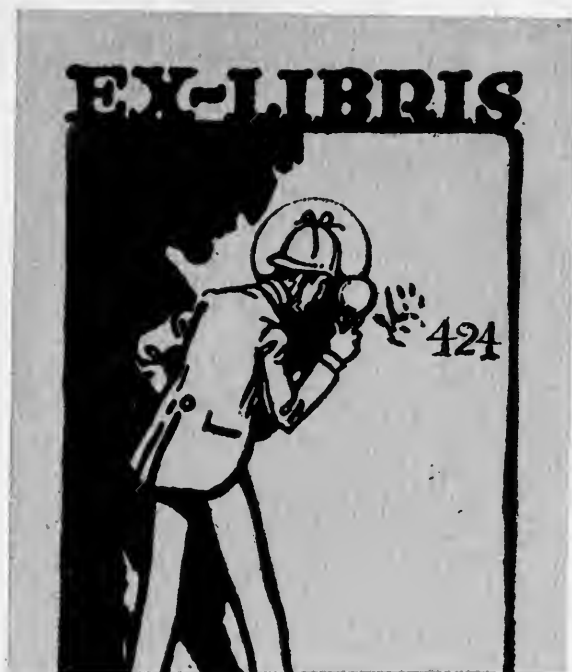
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